

A Study on the Characteristics of the Educational Policy for Immigrant Children in Italy

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Abstract

Since the 1990s, Italy has been exposed to the increasingly serious issue of immigrant children education with immigrants flooding in. To help immigrant children integrate into the Italian society, the Italian government embarks on the journey to explore pragmatic immigrant education for children, considering both the nationwide situation and the development planning of the European Union.

Key words: Italy; Immigrant children; Educational policy

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INTRODUCTION

In 1973, Italy transitioned from an emigration to migration country. But “before the late 1980s, the Italian government did not attach much importance to the immigration issue.” (Morgese, 2017) Nor did the government promulgate any laws targeting the immigrants. Since then, the government has been gripped by alternate parties, and whatever parties needs to take into consideration the immigrant

policy of the European Union. This is how the picture of immigration policy in Italy unfolded (Ibid.).

1. MAJOR IMMIGRATION LAWS IN ITALY

With the increasing number of immigrants, the Italian government pushes forward with the improvement of immigration laws based on its own situation. Meanwhile, the government introduces EU immigration laws and policies to fulfill its obligation as a member state.

1.1 Major Immigration Laws in Italy

According to the second term of Article 10 of the *Constitution of Italy*, “the legal status of foreigners is regulated by law in conformity with international provisions and treaties.”¹ However, the Italian government did not enact any laws concerning the rights of immigrants until 1986. On December 30th, 1986, Italy for the first time included the rights of immigrant workers in Law No. 943 with detailed regulations.²

Law No.39 of February 28th, 1990,³ also called the Martelli Law (Legge Martelli), was the first comprehensive legislation concerning the management of immigrants’ emergent cases. It targeted the application for political asylum and the entry and stay in Italy of non-EU foreigners and the regularization of stateless individuals. The Martelli Law “laid the legislative foundation for the

¹ *Constitution of the Italian Republic*, 22 December. 1947. Retrieved 2017, May 30 from <http://www.quirinale.it/qrnw/costituzione/pdf/costituzione.pdf>

² *Placement of Workers - Rules on the Placement and Treatment of Immigrant Non-Community Workers and Clandestine Immigration*, 30 December 1986.

³ *Conversion Into Law, With Modifications, of Decree-Law No.416 on Urgent Rules on Asylum, Entry and Stay of Non-EU Citizens and Regularization of Non-EU Citizens and Stateless Persons Already Present in the Territory of the State. Dispositions in Asylum*, 28 February 1990. Retrieved from <http://www.stranieriinitalia.it/briguglio/immigrazione-e-asilo/1992/luglio/legge-martelli.html>. Accessed 30 May 2017.

preventive and normative measures on the immigration issue in Italy.” (Morgese, 2017)

Prior to 1995, Italy’s immigration laws were confined to the management of immigrants’ emergent cases, such as the regularization of non-status immigrants. From 1995, the priority of Italian immigration legislation was redirected. Law No.40, also called the Turco-Napolitano law (Legge Turco-Napolitano), concentrated on the procedure of entry into Italy, social integration of immigrants allowed to stay in Italy and the prohibition of illegal immigration. The Turco-Napolitano law authorized the Italian government to enact a decree on the management of foreigners, so on July 25th, 1998, Decree No.286, *Unique Text of the Provisions Concerning Immigration Rules and Rules on the Status of a Foreigner*⁴ was enacted. Thereafter, Decree No.286 experienced several amendments and it is still in force today. The Decree aimed to deal with a) the entry, residence and deportation of foreigners, b) the employment of foreigners, c) the family reunification of foreigners, d) the protection of minor foreigners, e) the health, education, housing and f) participation in public activities and social integration. On August 31st, 1999, the Italian government enacted Presidential Decree No.394 *Regulation Laying down Rules for the Implementation of the Unique Text of the Provisions Concerning Immigration and the Rule of the Alien* as the amendment to Decree No.286.⁵

Law No.189 of July 30th, 2002, also called the Bossi-Fini Law (Legge Bossi-Fini),⁶ put restrictions on the entry and stay of foreigners. It paid closer attention to the application from immigrants for family reunification and the establishment of immigration offices at the provincial level to deal with local immigration problems. The law was also harsher on the deportation of foreigners and simplified the procedure. In 2004, however, the Constitutional Court of Italy, by No.222 and No. 223 verdict, judged that the regulations of immigrant deportation in the Bossi-Fini Law went against the 13th and 24th article of the Constitution of Italy, which respectively regulated personal liberty and defense right. To respond to this, on November 12th, 2004, Law No.271⁷ was enacted as an amendment to the deportation section of the Bossi-Fini Law.

⁴ *Unique Text of the Provisions Concerning Immigration Rules and Rules on the Status of a Foreigner*, 25 July 1998. Retrieved from http://www.immigrazione.biz/upload/articolo_24_TUI_modificato_D-Lgs_16_7_2012_n_109.pdf. Accessed 30 May 2017.

⁵ *Regulation Laying down Rules for the Implementation of the Unique Text of the Provisions Concerning Immigration and the Rule of the Alien*, 31 August 1999.

⁶ *Changes to Immigration and Asylum Legislation*, 30 July 2002. Retrieved from <http://www.camera.it/parlam/leggi/021891.htm>. Accessed 30 May 2017.

⁷ *Conversion into Law, With Modifications, of Decree-Law 14 September 2004, No.241, Urgent Immigration Provisions*, 12 November 2004.

The Berlusconi⁸ government (2008-2011) implemented the Security Package (Pacchetto sicurezza), including Law No.125 (July 24th, 2008), Decree No.160 (October 3rd, 2008) and Law No.94 (July 15th, 2009). Law No.125 mainly concerned the deportation of both EU and non-EU immigrants and the penalty of illegal employment of undocumented immigrants.⁹ Decree No.160/2008 was an amendment to the previous regulations of immigrant family reunification, which put tougher restrictions on immigration.¹⁰ As for Law No.94/2009, it mainly regulated public security, including the management of illegal immigrants and the payment and the updated procedure of application for residence permit in Italy for non-EU immigrants, such as signing the Integration Agreement (Accordo di integrazione) before application.¹¹

1.2 Introduction of EU Immigration Policy in the Past Ten Years

In 2006-2008 and 2011-2014 periods, Italy’s immigration work was focused on how to introduce EU immigration policy.

From 2006 to 2008, the Italian government incorporated introduced EU immigration laws into its domestic legislation system. Decree No.3¹² and No.5¹³ of January 8th, 2007, in implementation of EU Directive 2003/109 and 2003/86, listed more detailed regulations of long-term residence and immigrant family reunification. Decree No.30 issued on February 6th, 2007, in implementation of EU Directive 2004/83, concerned the problems of the EU citizens and their family.¹⁴

Italy’s Law No.129 of August 2nd, 2011¹⁵ is partly

⁸ Silvio Berlusconi served as Prime Minister of Italy in four governments.

⁹ *Conversion into Law, With Modifications, of Decree-Law 23 May 2008, No.92, Concerning Urgent Measures in the Field of Public Security*, <http://www.camera.it/parlam/leggi/081251.htm>. Accessed 30 May 2017.

¹⁰ *Amendments and Additions to Legislative Decree 8 January 2007, No.5 Implementing Directive 2003/86 / EC on the Right to Family Reunification*. Retrieved from <http://www.camera.it/parlam/leggi/deleghe/testi/08160dl.htm>. Accessed 30 May 2017.

¹¹ *Provisions on Public Security*. Retrieved from <http://www.parlamento.it/parlam/leggi/090941.htm>. Accessed 30 May 2017.

¹² *Implementation of Directive 2003/109 / EC on the Status of Long-Term Resident Third-Country Nationals*, 8 January 2007. <http://www.camera.it/parlam/leggi/deleghe/07003dl.htm>. Accessed 30 May 2017.

¹³ *Implementation of Directive 2003/86 / EC on the Right to Family Reunification*, 8 January 2007. Retrieved from <http://www.camera.it/parlam/leggi/deleghe/07005dl.htm>. Accessed 30 May 2017.

¹⁴ *Implementation of Directive 2004/38 / EC on the Right of Union Citizens and Their Family Members to Move and Vacate in the Territory of the Member States*, 6 February 2007.

¹⁵ *Conversion Into Law, With Modifications, of Decree-Law 23 June 2011, No.89 Laying down Urgent Provisions for the Implementation of Directive 2004/38 / EC on the Free Movement of Community Citizens and the Transposition of Directive 2008/115 / EC on the Return of Illegally Staying Third-country Nationals*, 2 August 2011. Retrieved from <http://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:2011;129>. Accessed 30 May 2017.

introduced from the EU Decree No.23 of June 23rd, 2011, Decree No.108 of June 28th, 2012¹⁶ from EU Directive No.2009/50 which concerned senior talent, and Decree No.109 of July 16th, 2012 from EU Directive No. 2009/52 which concerned the penalty of the employment of illegal immigrants.¹⁷ Law No.97 of August 6th, 2013 is to protect the residence right (including long-term residence) and provide international protection for immigrants with long-term residence permits, which are also induced from the EU.¹⁸ And Decree No. 40 of March 4th, 2014, covers the application for residence permit of immigrant workers, the application procedure and the rights of immigrant workers that introduced from EU Directive No. 98/2011.¹⁹

2. MAJOR EDUCATIONAL POLICIES FOR IMMIGRANT CHILDREN IN ITALY

On November 20th, 1989, the 44th Session of the United Nation General Assembly passed the *Convention on the Rights of the Child*. Despite the fact that *Declaration of the Rights of the Child* was approved in 1924 and extended in 1959, it carried no legal force. So, the 1989 *Convention on the Rights of the Child* is taken as the first international law concerning the rights of children.

In 1991, Italy became a signatory of the *Convention on the Rights of the Child*. According to the second article of the Convention, "States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, color, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status."²⁰ Accordingly,

¹⁶ *Implementation of Directive 2009/50 / EC on the Conditions of Entry and Residence of Third-country Nationals Intending to Pursue Highly Qualified Employment*, 28 June 2012. Retrieved from <http://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legislativo:2012;108>. Accessed 30 May 2017.

¹⁷ *Implementation of Directive 2009/52 / EC Introducing Minimum Rules on Sanctions and Measures against Employers of Third-country Nationals Whose Stay is Unlawful*, 16 July 2012. Retrieved from <http://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legislativo:2012-07-16;109>. Accessed 30 May 2017.

¹⁸ *Provisions for the Fulfillment of the Obligations Arising out of Italy's Membership of the European Union - European Law 2013*, 6 August 2013. Retrieved from http://media.directio.it/portal/norme/20130806_Legge97_art9_monitoraggio%20fiscale.pdf. Accessed 30 May 2017.

¹⁹ *Implementation of Directive 2011/98 / EU on A Single Application Procedure for the Issue of A Single Permit Allowing Third-country Nationals to Reside and Work in the Territory of A Member State and A Common Set of Rights for Workers in the Member States Third-country Nationals Who Regularly Reside in A Member State*, 4 March 2014. Retrieved from http://www.cliclavoro.gov.it/Normative/Decreto_Legislativo_4_marzo_2014_n.40.pdf. Accessed 30 May 2017.

²⁰ *Convention on the Rights of the Child, The China National Children's Center*. Retrieved from <http://www.ccc.org.cn/html/Home/report/1077-1.htm>. Accessed 20 May 2017.

the Italian government should ensure the rights, with the education rights included, of immigrant children equal to those of Italian children.

2.1 Education Rights

The No.301 circular issued by the Italy's Ministry of Education on September 8th, 1989, *Inclusion of Foreigners in Compulsory Schools: Promotion and Co-ordination of Initiatives for the Exercise of the Right to Study*, was the first one concerning the education of immigrant children. The circular mainly regulated the procedure of the entry into Italian compulsory education system and the education rights of immigrant children. Issues like the learning of the Italian language and the influence of the language and culture of origin were also covered.²¹

Italy's Decree No.286 of July 25th, 1998 was a revised combination of Immigration Law No.40/1998 and other regulations. The Law was aimed at the education rights of immigrant children, the administration of schools, the learning of the Italian language as a second language and the way of promoting the learning of the language and culture of origin, etc.²² These regulations guaranteed the education rights of all immigrant children by law.

According to Presidential Decree No.394/1999, immigrants were given more freedom in the time of enrollment. Immigrant children could get enrolled at any time in the span of one academic year, but these students would be divided by the faculty committee (Collegio dei docenti) based on the proportion of immigrant students in every class. The presidential decree also regulated that teaching plans made for the students by the faculty committee should be capacity-oriented.²³

Ministerial Decree No.24 of March 1st, 2006 issued by Italy's Ministry of Education, *Guidelines for the Reception and Integration of Foreign Students*, was enacted in a context where the Italian immigrants experienced a surge in number and schools needed instructions, in confrontation of the surge, to deal with the enrollment, teaching and integration of foreign students.²⁴

Ministerial Decree No.807 of November 27th 2008, *Regulation Laying down Rules for the Implementation of the Unique Text of the Provisions Concerning Immigration and the Rule of the Alien*, set the standards

²¹ *Inclusion of Foreigners in Compulsory Schools: Promotion and Co-ordination of Initiatives for the Exercise of the Right to Study*, 8 September 1989. Retrieved from http://www.edscuola.it/archivio/norme/circolari/cm301_89.html. Accessed 30 May 2017.

²² *Unique Text of the Provisions Concerning Immigration Rules and Rules on the Status of a Foreigner*, 25 July 1998. Retrieved from http://www.immigrazione.biz/upload/articolo_24_TUI_modificato_D-Lgs_16_7_2012_n_109.pdf. Accessed 30 May 2017.

²³ *Regulation Laying down Rules for the Implementation of the Unique Text of the Provisions Concerning Immigration and the Rule of the Alien*, 31 August 1999.

²⁴ *Guidelines for the Reception and Integration of Foreign Students*, 1 March 2006. Retrieved from http://archivio.pubblica.istruzione.it/normativa/2006/allegati/cm24_06all.pdf. Accessed 30 May 2017.

for the resource utilization in the teaching of language oriented towards immigrant children, especially those new comers who have registered in the Italian education system for no more than one year. Also in this academic year (2007-2008), Italy's Ministry of Education for the first time differentiated new immigrant children to Italian-born children in its electronic statistical system.

Ministerial Decree No.2 of January 8th, 2010, *Instructions and Suggestions for the Integration of Pupils with Non-Italian Citizenships*, highlighted again the geographical imbalance of the immigrant children, especially those with little or no knowledge of the Italian language. In this decree, the "roof principle" was introduced into Italy's education system, which limited the number of non-Italian students to no more than 30% within a class.²⁵

Ministerial Decree No.4233 of February 19th, 2014, *Guidelines for the Reception and Integration of Foreign Students*, amended the 2006 version of some parts. It emphasized the educational management of immigrant children of middle school age and the different demands for education between Italian-born immigrant children and those newly came. Issues like nationality, second generation immigrants and education for adult immigrants were also mentioned.

2.2 Intercultural Education

The Italian government ensures all immigrant children are included in its compulsory education system, which is intercultural education oriented. It was in Circular No. 205 of July 26th, 1990, *Obligatory Schools and Foreign Pupils-Intercultural Education*,²⁶ that the concept of "intercultural education" was first introduced. Since then, intercultural education has set the tone for the development of immigrant education in Italy.

On March 24th, 1993, Italy's National Council of Public Education (Consiglio nazionale della pubblica istruzione, CNPI) pointed out in the report, *Racism and Anti-Semitism Today: The Role of the School*, that intercultural education was "the best and most comprehensive mode to prevent and resist racism and to achieve compatibility." The report also stressed that despite the absence of foreign students, intercultural education can lead students to overcome the stereotype of some certain groups or cultures.²⁷ Later in April 27th, Italy's Ministry of Education issued Decree No. 138, which cited the report and further emphasized the significance of intercultural education.

²⁵ *Instructions and Suggestions for the Integration of Pupils with Non-Italian Citizenship*, 8 January 2010. Retrieved from <http://hubmiur.pubblica.istruzione.it/getOM?idfileentry=199101>. Accessed 30 May 2017.

²⁶ *Obligatory Schools and Foreign Pupils. Intercultural Education*, 26 July 1990. Retrieved from http://www.ilnostropianeta.it/wp-content/uploads/2010/09/cm-205_1990.pdf. Accessed 30 May 2017.

²⁷ *Racism and Anti-Semitism Today: the Role of the School*, 24 March 1993. Retrieved from <http://www.bdp.it/intercultural/info/normativa/antisem5.php>. Accessed 30 May 2017.

Ministerial Decree No.73 of March 2nd, 1994, *Intercultural Dialogue and Democratic Coexistence: The Planning Commitment of the School*, reaffirmed the spirit conveyed in the Maastricht Treaty and other official documents by European Communities and European Parliament. It pointed out that as the European economic and political integration processed, it was also necessary to promote intercultural education based on the respect for diversity and inter-state coordination within the European community in a multi-cultural context.²⁸

The Italian government required in Article 36 of Immigration Law No.40 of March 6th, 1998 that in teaching and autonomous administration, educational institutions should provide intercultural education to all students, from which students could hold objective views of the differences between various languages and cultures, to improve the reception and exchange of foreign students.²⁹

Presidential Decree No.394/1999 ensured the education rights of immigrant children and at the same time focused on the training of teachers from the perspective of intercultural education. According to the Decree, the Ministry of Education should take measures to promote the training of teachers nationwide.³⁰

To deal with the surge of immigrant children, Italy's Ministry of Education issued Decree No.155 on January 26th, 2001, *Schools Located in Areas with A Strong Immigration Process*, in which the problem of how to offer more support to the teaching staff in these areas was covered. Accordingly, the government should offer extra education subsidies if the number of immigrant children plus children without household registration exceeded 10% of the total enrollment. So, the government needed to make adjustment to the financial allocation criteria of schools.³¹

On December 19th, 2005, the Italian National Board of Education published the report, *Intercultural Issues*, which gave a comprehensive analysis of the function of schools in a multi-cultural society. The report specially pointed out that integration was not equal to assimilation and that teachers should take measures to

²⁸ *Intercultural Dialogue and Democratic Coexistence: the School's Commitment to Planning*, 2 Mar. 1994. Retrieved from http://www.edscuola.it/archivio/norme/circolari/cm073_94.html. Accessed 30 May 2017.

²⁹ *Immigration Discipline and Standards on Foreign Status*, 6 March 1998. Retrieved from <http://www.camera.it/parlam/leggi/980401.htm>. Accessed 30 May 2017.

³⁰ *Regulation Laying down Rules for the Implementation of the Unique Text of the Provisions Concerning Immigration and the Rule of the Alien*. Retrieved from http://www.esteri.it/mae/normative/normativa_consolare/visti/dpr_394_1999.pdf. Accessed 30 May 2017.

³¹ *Schools Located in Areas with A Strong Immigration Process*, 26 January 2001. Retrieved from http://www.edscuola.it/archivio/norme/circolari/cm155_01.html. Accessed 30 May 2017.

enhance the blending of secularism and intercultural education.³²

In October 2007, the Observatory for the Integration of Foreign Students and Intercultural Education,³³ in the report titled *The Italian Way for Intercultural School and the Integration of Foreign Students*, analyzed the Italian mode of integration in an intercultural context. It summoned up the characteristics of the Italian mode and put forward the principles and specific measures.³⁴

On September 9th, 2015, Italy's Ministry of Education published a circular – *Different from Whom? Recommendations for the Integration of Foreign Students and for Intercultural Education* – a report by the Observatory for the Integration of Foreign Students and Intercultural Education³⁵, in which the suggestions from the Observatory were much valued. It was also noticeable that the expression “foreign pupils (alunni stranieri)” was replaced in the description of immigrant children with more appropriate ones like “students with a migratory background (studenti con background migratorio)”, “children of migrants (figli di migranti)”, “pupils with a migratory origin”, etc.³⁶

3. CHARACTERISTICS OF THE EDUCATIONAL POLICY FOR IMMIGRANT CHILDREN IN ITALY

Italy's educational policy for immigrant children has known nearly 45 years since it came in the shape, and it is still improving. In its development, the policy presents characteristics in the following four aspects.

3.1 Significance Attached to Immigrant Education

Since the 1970s, Italy's educational policy for immigrant children has been established and gradually developed as the nation turned from an emigration country to an immigrant receiver.

³² *Intercultural Issues*, 19 December 2005. Retrieved from <http://cms.csa.fi.it/Intercultura/Normativa/Archivio20051986/tabid/255/Default.aspx>. Accessed 30 May 2017.

³³ Observatory for the Integration of Foreign Students and Intercultural Education was established according to the Decree of December 6th, 2006 by Italy's Ministry of Education. It aimed to provide organization schemes and instructions to primary and middle schools.

³⁴ *The Italian Way for Intercultural School and the Integration of Foreign Students*, October 2007. Retrieved from http://hubmiur.pubblica.istruzione.it/alfresco/d/d/workspace/SpacesStore/cecf0709-e9dc-4387-a922-eb5e63c5bab5/documento_di_indirizzo.pdf. Accessed 30 May 2017.

³⁵ Observatory for the Integration of Foreign Students and Intercultural Education was reestablished in 2014.

³⁶ *Different from Whom? Recommendations for the Integration of Foreign Students and for Intercultural Education*, 9 September 2015. Retrieved from http://istruzioneer.it/wp-content/uploads/2015/09/MIUR.AOODGSIP.REGISTRO_UFFICIALEU.0005535.09-09-2015-indicazioni-stranieriOss1.pdf. Accessed 30 May 2017.

Before the 1980s, educational policy for immigrants was nowhere to be found in Italy's official documents. Thereafter, the government began to attach importance to the education of immigrants and their descendants and make the respective policies. In the new millennium, Italy's Ministry of Education issues several Ministerial decrees or circulars every year that include further regulations of educational policy for immigrant children.

3.2 Observance of the Principle of Equality

Prior to the 21st century, the Italian government mostly focused on how to guarantee the equality of education when confronted with the issue of education for immigrant children. So, the government enacts couples of laws to ensure the immigrant children receive compulsory education as their Italian peers and get engaged in Italy's education system.

Stepping into the 21st century, the government has deeper understanding of the equality in education. Educational resources have been required to be allocated more equally, and detailed teaching instructions and regulations are formulated to ensure the equality in an intercultural context, namely the immigrant children on equality with Italian peers. The most convincing example is the “roof principle” in 2010.

3.3 Persistence in Educational Philosophy

As a migration country with a long history, France has been adopting the Republican mode of integration. It takes long for the French government to test the feasibility of multi-cultural and intercultural education. To ensure the compatibility within the Republican society, the government showed ambiguous attitude to the use of “intercultural” in its official documents.

Different from France, Italy is still young in terms of the establishment of educational policy for immigrant children. When it came to deal with the issue, Italy learned from other European countries and figured out its principle – intercultural education – in a multicultural context.

3.4 Shift of Focus

After years' of exploring, Italy has been shifting its focus on the development of educational policy for immigrant children from a macroscopic and mesoscopic level to a microscopic one, which shows improvement in different stages.

Before the 1990s, the policy, at a national level, mostly tried to ensure the education rights of immigrant children. From the 1990s to the end of the century, the Italian government stepped further to study how to instruct the educational institutions of different levels, on how to take in immigrant children, how to promote intercultural education and how to avoid racial discrimination, etc. At that time, the policy went down to the institutions involved at a mesoscopic level. Since 2000, the academic performance of immigrant children has been more of a center of the policy. It casts more attention to the

communication between immigrant students, family and schools.

With the changing of time, Italy has made adaption to the educational policy for immigrant children in the principles of equality, educational philosophy and focus of policy. Solutions to different problems have gone to the details with more comprehensive views. This tells the improvement Italy makes in the process.

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