

## **BETWEEN NATIONAL STATES AND COSMOPOLITAN SOCIETIES: THE INSTITUTION OF CITIZENSHIP TAKES THE IMMIGRATION TEST**

### **ENTRE EL ESTADO NACIÓN Y LAS SOCIEDADES COSMOPOLITAS: LA INMIGRACIÓN PONE A PRUEBA LA INSTITUCIÓN DE LA CIUDADANÍA**

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***Abstract:** The permanent settlement of immigrants of foreign origin, and the subsequent formation of the second and third generations, has long contributed to re-launching the debate on the content and limits of the institution of citizenship, bringing into question the close connection with the national States. The increasing number and the growing diversity of the legal status of foreigners residing in the territory of sovereign States blurs the dividing lines between insiders and outsiders. Therefore this raises questions about the criteria and ways of participation of residents in the community of citizens, with all the obligations and benefits that derive from it. In parallel, various forms of political participation of migrants across borders are developing, especially in terms of the countries of origin. The article examines the implications and meanings that derive, in the current context, from what can be defined as transnational reconfigurations in the democratic sphere. After having considered the citizenship «from above», that is in terms of the type of rights granted to foreign residents, their extent, timing and modes of access, the article presents a more recent*

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*branch of studies that start «from below», i.e. from the point of view of actual practices to access and use, re-interpretations and negotiations of the contents of citizenship: processes in which migrants and refugees take active roles at various levels and in different ways, both individual and collective.*

**Keywords:** *Immigration; Citizenship; Social rights; Transnationalism; Political participation; Cosmopolitanism.*

**Resumen:** *El asentamiento permanente de inmigrantes de origen extranjero y la formación de segundas y terceras generaciones, ha contribuido mucho a relanzar el debate sobre el contenido y los límites de la ciudadanía, poniendo en tela de juicio la estrecha relación con los Estados nacionales. El aumento del número y la creciente diversidad de la condición jurídica de los extranjeros que residen en el territorio de los Estados soberanos difuminan las líneas divisorias entre los de adentro y los de afuera. Por tanto, emergen interrogantes acerca de los criterios y formas de participación de los residentes extranjeros como ciudadanos, con las obligaciones y beneficios que de ello se derivan. En paralelo, diversas formas de participación política de los migrantes se están desarrollando a través de las fronteras, especialmente con los países de origen. El artículo examina las implicaciones y significados que se derivan, en el contexto actual, de lo que puede definirse como reconfiguraciones transnacionales en las sociedades democráticas.*

*Tras haber examinado la ciudadanía “desde arriba”, en términos del tipo de derechos concedidos a los residentes extranjeros, su alcance, tiempos y modos de acceso, el artículo presenta una perspectiva más reciente de los estudios, que mira “desde abajo”, es decir, desde el punto de vista de las prácticas reales de acceso y uso, reinterpretaciones y re-negociaciones de los contenidos de ciudadanía: procesos en que los migrantes y los refugiados participan activamente en diversos niveles tanto de forma individual como colectiva.*

**Palabras clave:** *ciudadanía, inmigración, derechos sociales, participación política, cosmopolitismo.*

Immigration is always a matter of defining the boundaries between «us», the national community settled on a well-demarcated territory, «our friends», that is foreigners we welcome as residents and possibly

as future citizens, and «the others», strangers in the strict sense, who we are willing to admit provisionally, for example as tourists, but who in principle we do not want to see firmly established in our cities, and even less so as legitimate citizens (Ambrosini, 2010). The power to define and classify, held by those in a position of greater power (that is, in our case, the receiving society), thus plays an important role in building the social category of immigrants (Colombo, 2008), that is foreigners from poorer countries, who are allowed to stay in a provisional and conditional way. This happens especially when we are forced, reluctantly, to admit that we need them to cover labor demand (Cornelius *et al.*, 1994), or when we recognize, perhaps with even more reluctance, that they are entitled to seek protection under the banner of human rights, which we claim to defend (Zetter, 2009; Marchetti, 2009).

A popular current topic in the European and international debate is the challenge that these strangers represent for the institution of citizenship: a central institution in the processes of social inclusion in modern societies, but also a harbinger of exclusion for those who do not belong to the category of legitimate citizens. The basic criterion for admission is still nationality, but the increasing number and the growing diversity of the legal status of foreigners residing in the territory of sovereign States bring the dividing lines between insiders and outsiders into question. Therefore this raises questions about the criteria and ways of participation of residents in the community of citizens, with all the obligations and benefits that derive from it (Bauböck *et al.*, 2006; Bosniak, 2008). In parallel, various forms of political participation of migrants across borders are developing, especially in terms of the countries of origin (Boccagni, 2008; 2011).

In this article I will examine the implications and meanings that derive, in the current context, from what can be defined as transnational reconfigurations in the democratic sphere.

## 1. IMMIGRATION AND CITIZENSHIP

The permanent settlement of immigrants of foreign origin, and then the formation of the second and third generations, has long contributed to re-launching the debate on the content and limits

of the institution of citizenship, bringing into question the close connection with the national States (Wihtol de Wenden, 1992). As noted by Bosniak (2008), the idea of citizenship is commonly cited to express the concepts of democratic membership and social inclusion, but this inclusion is based on a conception of limited and exclusive community. It should entail commitment against subordination, but it can represent an axis of subordination in itself. The ambivalence of the concept comes from the fact that it can be considered in terms of the nature and quality of relationships among the recognized members of an established society, or of the boundaries of that society, that divides members and non-members, rationing the allocation of the status of citizen.

The distinction between universalistic inclusion on the inside and exclusion to the outside may seem rational, but is blurred when foreign immigrants come onto the scene: in this perspective, those who entered the spatial domain of universal citizenship remain strangers for significant aspects of their social experience. In a sense, the boundary actually follows them inside (Bosniak, 2008: 4).

We must, however, investigate the different meanings of the concept of citizenship, observing the challenges that arise from international migration. I will do so using the classification proposed by Zincone (2005):

1. The first meaning concerns *belonging to a State*. In this sense, the citizen clashes with the foreigner, and immigration consults the membership attribution criteria for a particular national community, requesting the definition of requirements and pathways for naturalization.
2. Secondly, citizenship means *emancipation*, the condition of an adult who decides for him/herself and participates in public decisions. The opposite of the citizen, in this sense, is a subject, and at worst a slave. Immigration raises the question of civil and political rights, and specifically the right to vote.
3. As a third aspect, citizenship means *a set of protections and benefits* guaranteed by public authorities, in the sense of Marshall's social rights. When immigrants arrive and settle, the problem arises of defining the benefits package to which they may have access, and the issue of extending certain rights (e.g. essential health care) even to immigrants in an irregular condition is raised.

4. A fourth meaning of citizenship concerns *standardization*, i.e. the condition of equality among citizens, overcoming differences and local, religious, ethnic and linguistic particularisms. This context includes tension between legal equality and demands for the recognition of cultural differences of foreigner immigrants.

Let us try to analyze the evolution of European legal systems using this model as a starting point.

The most established political device for governing the relationship between democratic national States and foreign immigration is represented by naturalization processes<sup>1</sup> that transform foreigners who have resided for a certain period of time into citizens. In this case, national States, which are aware of the irreversibility of the settlement of a number of foreigners, at some point prefer to include them fully in the community of citizens, rather than leaving them forever on the margins of society. There might otherwise be an imbalance similar to that of ancient Athens: a democracy in which only the natives enjoy full citizenship and political rights, while the metics, i.e. resident foreign workers, can not participate in decisions, even though they are the interested parties (Walker, 1983). Each year in the world hundreds of thousands of immigrants disappear from the statistics because they manage to move into the more comfortable category of citizens. If, for example, France and Great Britain officially host fewer immigrants than Germany, this really depends on greater opportunities for naturalization<sup>2</sup>.

The processes of naturalization, however, are often conditioned by the different levels of acceptability of foreign residents, even long-term residents, in terms of fellow-citizenship. The Italian case is quite instructive in this regard. The Act of 1992 passed almost

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<sup>1</sup> Notice how the language reveals the underlying concepts: one speaks of «naturalization» to indicate the acquisition of citizenship of a particular State, as if national belonging were a matter of nature.

<sup>2</sup> In the statistics, therefore, quite different results are obtained if one considers the place of birth or citizenship of the residents. Paradoxically, we can find «immigrants» who were actually born and have always lived in the area (the second generations, in Italy and elsewhere), while people who came from abroad and reside in various ways in receiving countries, having inherited or recovered or acquired citizen status through marriage do not appear.

unanimously by Parliament, eighty years after the previous one, has redefined the issue, stating that in order to apply to become Italian four years of residence are enough for foreigners from some countries, those in Europe, five are required for the citizens from other developed countries, while ten years are necessary for the others, in comparison with the five years required of everyone by the 1912 legislation. The same law, which established a fast track for reclaiming citizenship for the descendants of Italian emigrants abroad, defines the boundaries of the Italian nation in essentially ethnic terms. Zincone (2006) referred to it as «legal familism»: being Italian seems to be primarily a matter of blood, handed down by descent, or a quality that at most can be acquired through marriage, thanks to the link with a partner from the ethnic group (one is tempted to say the tribe) of Italians<sup>3</sup>.

At the same time, between 1998 and 2004 the chance of regaining citizenship for descendants of long term immigrants has quietly produced over half a million new citizens, particularly Italians returning from Argentina with about 236,000 acquisitions and from Brazil with 119,142. It should be noted that these people, if they choose to actually live in Italy, instead of using an Italian passport to seek their fortune in Spain, Great Britain or the United States, are not even defined as «immigrants», even though they may meet certain social difficulties that are not very different from those classified as foreigners. For example, the lack of recognition of qualifications (unlike in Spain), leads them to lower positions in the labor market.

Let us now look at what happens in Europe and other countries. Weil (2001), comparing 25 citizenship laws in advanced countries, has come to the conclusion that we are experiencing a process of convergence on the issue of naturalizations which combines, in a relatively liberal way, elements of *ius sanguinis* and *ius soli*. The principle of granting citizenship to those born in the country and, for adults, of a relatively smooth transition into the community of citizens (France, United Kingdom, the Netherlands) was gradually

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<sup>3</sup> In Italy, it was only in 2009 that for the first time naturalizations for stay e exceeded those for marriage: 22,968 out of 40,084 (57.3%) (Caritas-Migrantes, 2010). In 2008 the acquisition of citizenship was 39,484, and marriage once again accounted for 63.2% of these. The number of marriage is declining, but it is still the easiest way to become Italian.

added in many cases to more traditional principle of hereditary transmission of the status of citizen, present in all systems, but particularly strong in countries with a tradition of emigration abroad (Germany, Italy). In recent years, while Germany, with the reform of 1999, opened up to the acknowledgement of citizenship for the children of immigrants, other countries, such as the United Kingdom, which had more liberal traditions, redefined the criteria of access in a restrictive way. In the treatment of second and third generations, it is increasingly accepted that the formation of a subclass of aliens is incompatible with democratic principles and potentially damaging to social cohesion.

A more recent study of 15 European countries, however, has cast doubt on the hypothesis of convergence (Bauböck and *et al.*, 2006). In a context of increased importance of political debate on nationality and the production of legislation on the subject, no clear trends can be observed towards legislative harmonization. The codes of citizenship, after a long period of stability, have become a contrasted and ephemeral political field since they are subject to changes in the ruling parties and the political climate<sup>4</sup>. Although groups of more restrictive or more liberal countries can be identified, these groupings do not form a coherent and stable picture. Measures of different kinds alternate and overlap. In any case, naturalization or loss of nationality remain under the undisputed sovereignty of the national States, which often influence each other, but which are not very sensitive to the demands of international institutions and of the European Union.

Even in terms of the transition mentioned by Weil, from the reference to the right of blood (*jus sanguinis*) to the more liberal criterion of right of soil (*jus soli*), the research raises some doubts. The two principles have frequently been combined to some extent over the past sixty years in most jurisdictions. In EU countries defined as «peripheral», the right of soil has not been very successful. More generally, the right of blood continues to be the widely prevalent principle of attribution of citizenship, as shown by how the descendants of long standing migrants are treated: not only in Italy, regulations on citizenship and voting have intended to encourage the co-ethnics, even several generations after expatriation. The

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<sup>4</sup> For example, in Germany the liberalizing reform of 1999 was followed in 2006 by new restrictions.

authors refer to this as a tendency to re-ethnicization of citizenship (see also Joppke, 2003), with a weakening of the modern criterion of territoriality in favor of a semi-feudal concept of a personal relationship, deriving from blood ties, between states and their citizens.

There is, however, a more consolidated tendency which is that, even when long term resident immigrants do not access to naturalization, generally they are the recipients of a more consistent package of rights and guarantees than that of newcomers. Usually, they have more stable and less easily revocable residence permits than the simple stay permit. The legal status of long term resident immigrants, thanks also to the action of European institutions, tends to be considered an intermediate case between that of the foreigner and that of the rightful citizen, going back to the old English term *denizen* (Hammar, 1985).

Another trend that has been noted by various observers for most European countries, as well as for developed countries outside Europe, is towards a greater tolerance of dual citizenship. This fact should be surprising, if we think that until a few decades ago citizenship and political loyalty to a specific national political community were considered inseparable (Faist, Gerdes and Rieple, 2004). We can observe the gradual disappearance of two rules that had dominated the legal scene from the end of the nineteenth century to the Cold War: first, that the acquisition of a new citizenship meant the loss of the previous one; second, when you could not avoid dual citizenship, many states required a choice to be made one way or another once people came of age. Today, on the other hand, we can witness a gradual and slow but fundamental evolution from the exclusive sovereignty of States to a growing recognition of legitimate claims and rights of individuals (*ibid.*: 923).

According to this perspective, migrants are gradually acquiring a formally recognized power to exercise rights of citizenship in more than one sovereign state. In other words, the dual citizen crosses the organized world in national states, institutionalizing the crossing of borders and the overlapping of social and symbolic ties among citizens, and between citizens and states.

Bloemraad (2004) thus distinguishes between a *transnational* conception and a *post-national* conception of citizenship, and distinguishes both of these from what is defined as *traditional*. In the transnational model there is particular emphasis on the demand



for dual citizenship, seen with substantial distrust and many reserves by the traditional model, and considered irrelevant and in fact outdated in the post-national horizon. His empirical analysis of Canadian census data, however, confirms the strong persistence of the traditional model (a large majority of immigrants choose the path of naturalization); shows a growing (although still very small) interest over time for the transnational model, especially for more educated immigrants; does not provide confirmation in favor of a strong post-national model. Acquisition of the nationality of the receiving country is an important achievement for immigrants; only a minority has dual citizenship, although this is growing; we cannot, however, say that immigrants are becoming indifferent to the issue of citizenship, even when they come from developed countries.

Even regarding the progress of the institution of dual citizenship, however, Bauböck and Al (2006) express some reservations, noting that the tendency appears to be more fluctuating and contrasted, with phases of growing acceptance and others of closing, depending once again on changes in government and political climate<sup>5</sup>. The tendency of disaffection towards the multicultural approaches, which has emerged in recent years, especially in Europe and driven by defensive reactions to terrorism of Islamic origin (Prins and Slijper, 2002), seems to also involve the issue of dual citizenship. We note once again the growing number of voices calling for unilateral loyalty to the host country.

On the issue of access to citizenship, the panorama of the major European countries looks rather diverse, in terms of length of residence required to obtain the naturalization, application of the principle of right of soil, the granting of citizenship to minors, the possibility to maintain dual citizenship or the obligation of demission upon being granted the new nationality. In general, European countries are in most cases less generous than the great non-European immigration countries, like Canada and the United States, to which could be added Australia and New Zealand. Italy is in fact the most restrictive state of Western Europe after Greece's reform of its code of citizenship.

The general idea that two of the components of citizenship, i.e. individual rights and collective identity, have gradually stretched

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<sup>5</sup> E.g. the Netherlands eliminated the possibility of dual citizenship in 1997.

apart in recent decades has gained ground (Faist, Gerdes and Rieple, 2004). For example, human rights (as well as civil and, in part, social ones), which were previously closely related to nationality, are now increasingly applied to non-citizen residents. Meanwhile, in the formation of mixed, «hyphenated» identities (Filipino-Italians, Pakistani-British, Turkish-Germans, Mexican-Americans, etc.), «the country of origin becomes a source of identity, and the country of destination a source of rights... the result is a basic ambivalence between rights and identity, culture and politics, states and nations» (Kastoryano, 2002, p. 160).

Another extension, that is typically European is the tendency towards a superimposed citizenship (*nested citizenship*) which does not deny national citizenship, but adds a supranational citizenship within the European Union, which confers certain exercisable rights outside one's own country's borders (Kivisto and Faist, 2007). This becomes especially important with regard to migrants from new EU member countries who have become owners of a substantial package of rights (from mobility in the area, to employment opportunities, limits on expulsion procedures and local and European voting rights) in the countries to which they have moved. It reinforces a «civic stratification» (Morris, 2002), with the formation of a hierarchy that sees illegal migrants at the lowest level, followed by, in order, those who have a residence permit of limited duration, long-term residents with a stable status, migrants within the European Union; finally, on the top step, the full citizens. Nash (2009) distinguishes between the *super-citizens* (i.e. cosmopolitan elites); the *marginal citizens* (economically deprived because of poverty, or socially deprived because of racism); the *quasi-citizens* (i.e. the long-resident immigrants); the *sub-citizens* (immigrants without jobs or without the right to access social benefits: for example, reunited families of migrant workers, or asylum seekers waiting for a response); the *non-citizens* (unauthorized immigrants and subject to deportation).

A similar idea is expressed by Ong (2005), with reference to the American case and with a more focused perspective on socio-economic differences among the foreigners who move across borders: a worker with legal American citizenship may not enjoy basic rights because her living conditions are determined by her working position, rather than from her formal status as a citizen. By contrast, transnational entrepreneurs often have rights and privileges

that go beyond their formal status. Within the same country, you can enjoy radically different conditions of citizenship.

A parallel stratification concerns asylum seekers, after the increased articulation (and selectivity) of protective measures: we can distinguish between asylum seekers waiting for an answer; rejected applicants, but tolerated because they cannot expel them; holders of temporary protection, for example for armed conflict; full refugees, and yet more cases (Castles, 2004; Ambrosini and Marchetti, 2008).

For the second aspect of citizenship (emancipation), the most important issue concerns the granting of the right to vote in local elections. In Europe, the list of countries which grant this right has grown when compared to the best-known and most cited cases from the literature, such as the Netherlands, Sweden and the United Kingdom. Even Spain, Portugal and Ireland, among the new countries of immigration, recognize it, unlike Italy, which together Germany and France have not relented on this point. Even several new EU countries, which are still scarcely affected by migration, have granted the right to vote in local elections: Malta, Slovenia, Slovakia. Belgium and Estonia, however, have limited themselves to granting the right to an active vote (Triandafyllidou and Gropas, 2007: 374): migrants can vote in local elections, but they can not be elected. The political geography of the Community Europe is now very segmented in this respect, although the Community institutions have spoken in favor of extending the right to vote in local elections.

The granting of the right to vote in national elections seems more complicated and indeed improbable. The monopoly of political decisions by citizens is, along with the control of borders, one of the remaining symbols of national sovereignty. Apart from some rare examples of bilateral agreements for mutual recognition of the right to vote, no country seems willing to give it up. More liberal countries prefer, if anything, the route of rapid naturalization, thus including immigrants in the community of national citizens.

With regard to the empirical analysis, the discovery of the exclusion of immigrants from the full enjoyment of political rights has then led to the identification and development of some possible forms of indirect political participation, implemented through associations («ethnic» or mixed) and trade unions (Zincone, 1994). Immigrants, though lacking political elective representation, can affect the political choices of the receiving societies and at least

promote partially their rights and interests through collective representatives who contribute, in contexts of socio-political pluralism, to the processes of decision-making, or who take charge of the protection of people receiving unfair and discriminatory treatment. These are unusual types of voluntary associations, based on emotional ties, and also special types of self-help groups, because of the common interests that characterize them (Jenkins, 1988: 9-10). In countries with more mature experience of immigration, immigrant associationism has taken on increasing importance and a greater variety of functions over the years, ranging from political representation, to cultural animation, to the provision of services (Jacobs and Tillie, 2004; Moya, 2005).

In the case of trade unions, the political vocation acquired in different national traditions, such as in southern Europe and especially in Italy, i.e. the aspiration to go beyond the protection of members in the workplace, acts as a mediator in acknowledging the demands of migrants, representing them and bringing some of their leaders out into the public arena (Mottura, 2010)<sup>6</sup>.

We come to the third meaning of citizenship: social rights. Historically, employment has opened the doors of social protection to immigrants. The system of social rights built in Europe is difficult to find in the rest of the world, including in developed countries. When immigrants are regularly employed, they gain access to a package of welfare benefits that are related to salaried job: health care, pension, accident prevention, and —with lesser or greater generosity depending on the country— unemployment benefits. Their children, whether born in or admitted to the territory, can have access to education on an equal plane with national citizens. It is the core of what Marshall, in his classic work (1950), has called «social citizenship». In the normal course of events, the three elements of citizenship according to Marshall were acquired in a sequence that starts from civil rights (freedom of expression and opinion, property protection, the right to obtain justice), extends to political rights (participation in exercising power, as voters and as elected parties),

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<sup>6</sup> In Italy, as in other countries, trade unions are regularly protagonists of anti-racist demonstrations and in favor of the rights of immigrants: they are among those who strive to reconcile the protection of migrants with that of national citizens. Rudder and Vourch'h (2008) from the French case, however, highlight ambiguities and difficulties of inclusion of immigrants in trade unions and of support for anti-discrimination policies.

and finally includes social rights. For immigrants, the sequence is reversed: social rights, at least those basic ones related to salaried jobs, were the first to be granted<sup>7</sup>. As Ferrera (2012) argued, the European institutions have gradually widened the basket of benefits granted to foreign residents, beginning with those from the European Community, but also to some extent to third country nationals, overcoming a great deal of resistance from national governments which cling to a traditional idea: social solidarity requires the closure of the community of beneficiaries.

Social rights that are not supported by a base of political rights, however, risk remaining fragile and revocable, appearing as a sort of concession that the community of full citizens grants to those from outside who do not enjoy the benefits of belonging. This is often seen when we switch from firmer rights that are associated with a kind of automatism of the employment contract (health care, pensions), to more discretionary social benefits that are under the control of local authorities, such as social housing. In this case, being unable to vote weakens the rights of immigrants and makes them more difficult to protect, because of the demands of priority or exclusivity made by national citizens-voters. In the labour market, the expansion of social benefits to immigrants is more easily accepted by native workers, both for egalitarian considerations, and because, as we have seen, it protects them from potential competition based on low labor costs: outside the employment, in social services and housing policies newcomers are more immediately perceived as competitors. In times of economic crisis and reduction of social protection guaranteed by the public institutions, these tensions tend to be more acute. The growing support for populist and xenophobic groups, which is increasingly evident in several European countries, find —among other things—, a «rational» justification in this competition for scarce welfare resources (Wimmer, 1997). Ferrera (2012), therefore, notes an increased resistance in recent years of governments towards improving the social benefits granted to immigrants, along with the tendency to remove some aspects from the Community institutions. If we can now say that the EU constitutes an almost uniform territory

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<sup>7</sup> The reason has nothing to do with liberal and humanitarian orientation of the receiving societies, but lies more prosaically, in the first place, in the desire to make the cost of labor of migrants equal to that of native workers, reducing the risk of competition at the expense of working conditions.

for EU citizens, with 27 open and coordinated systems of welfare, for third country nationals it remains a fragmented territory, with limited mobility rights and only partial social protection.

## 5. A PERSPECTIVE FROM BELOW

If in the prevailing branch of studies the issue of citizenship rights is studied «from above», that is in terms of the type of rights granted to foreign residents, their extent, timing and modes of access, we must remember a more recent branch of studies that starts «from below», i.e. from the point of view of actual practices to access and use, re-interpretations and negotiations of the contents of citizenship (see, for example, Bellamy, 2008; Isin and Nielsen, 2008; Sassen, 2008b; Turner, 1993): processes in which migrants and refugees take active roles at various levels and in different ways, both individual and collective. Ong (2005), in this prospective, has closely studied the interactions between social workers and refugees from south eastern Asia, highlighting how, in view of the delivery processes of services that tend to regulate and standardize the behavior of newcomers, there are behaviors which combine acquiescence and resistance, conformist attitudes and alternative notions. The refugees constantly try to reformulate and reframe their own values and interests within the institutional space given to them, interacting with service operators who seek to morally redefine the ethnicity of the refugees; the people respond by trying to bend the institutional rules to meet their goals of «new liberated subjects».

Sassen (2008b), on the other hand, instead talked about forms of «localized citizenship», in which some individuals (typically illegal immigrants), can be «unauthorized yet recognized» in their daily practices, raising a family, schooling children, holding down a job, in fact participating in the local community in which they live, despite not having a recognized legal status. These practices produce at least partial recognition, insomuch as, in the U.S. as in several other countries, long term residence and «good conduct» can allow people to obtain, after a certain number of years, a legal status.

The analysis of local policies for immigrants, i.e. what is sometimes defined as «local dimension» of citizenship, goes in quite a similar direction, underlining the role of *policy-making* carried out

by the operators of services for immigrants. They have a de facto interpretative discretion that is generally underestimated, which in some cases has a restrictive impact compared to the laws, but in the case of access to social, health and educational services often results in creating and expanding opportunities (cfr. Campomori, 2007), or even interpretations that bypass and distort the regulatory data, reaching a situation of «cheat honestly» the legislator (Zincone, 1999). The background of the operators, often from the third sector, international cooperation, trade unions, immigrant populations themselves, contribute to joining them in an *advocacy coalition* that defends the rights of migrants, coming into conflict with the positions of policy-makers, who, at least in rhetoric, now mostly go in the opposite direction. The result is a gap, or at least a misalignment, between stated policies and policies in use. In practice, migrants who require certain benefits can obtain them, while being in weak or questionable positions in terms of compliance with legal provisions. The hardening of immigration policies in Italy and elsewhere, on these local practices, has tried to reduce the opportunities, particularly for irregular immigrants, through a strategy of raising «internal controls» on immigration (Van Meeteren, 2010). But the game remains open, partly due to operational alliances between operators of public services and operators of the third sector.

Recent tensions also involve the field of the fruition of civil rights. Here the most dramatic conflicts concern the concrete exercise of freedom of worship, the manifestation of religious affiliation and the observance of associated requirements in the public sector. These aspects are particularly evident in the European context towards Muslim immigrants (Modood, 2007). The construction of places of worship, in Italy and southern Europe, but recently also in Germany with the case of Cologne, or in Switzerland with the referendum on minarets; the matter of displaying religious symbols in France; the limitations on clothing approved by the Belgian<sup>8</sup> and the French parliaments; problems such as that of food in school and hospital canteens illustrate the main points of crisis.

The proposed reflections lead us to the fourth point: citizenship as equality, subjected to opposing requests: on the one hand, this

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<sup>8</sup> In this case, it is interesting to specify that there was a unanimous vote, in a period of deep political crisis in a country that was deeply torn between two increasingly conflicting linguistic and territorial communities.

is challenged by the claims inspired by the protection of the «right to be different», on the other hand it tends to be reconceptualized in terms that recall the traditional instances of cultural conformity by the majority of European public opinion and political actors. In the populist political discourse, the closure of external borders to immigration is accompanied by the closure of internal boundaries in relation to the recognition of the legitimacy of cultural issues that take on a high symbolic significance (Cento Bull, 2010). But even more traditional political forces and governments that had embraced the rhetoric of multiculturalism, such as the Dutch and British, relocated to positions that emphasize language skills requirements and cultural conformity on the part of the newcomers, which are seen as evidence of their political loyalty. In Europe today, in public rhetoric and legislative initiatives with a high symbolic impact, guidelines prevail that can be called neo-assimilationist: language tests, sometimes even before entry into the country and at some crucial stages of the access paths to full citizenship; checking knowledge of history, law, cultural aspects of the receiving societies; integration contracts (Goodman, 2010; Joppke, 2007; de Vink and Groot, 2010). On the whole, therefore, the public institutions of national states, under pressure from the electoral orientations, are now less willing than in the past to meet the demands related to cultural pluralism (Zincone, 2009). Measures that in the past addressed the integration of immigrants, such as the language courses mentioned above, are now adopted as a filter, in order to select candidates for entry and naturalization (Ferrera, 2012).

Again, however, seen from below, the question assumes quite a different profile. At the local level, the motions of religious and cultural pluralism are generally more accepted than at the national level. For example: in France, politicians who in Parliament defend the national model of assimilation, draw attention to the political tradition of so-called «laïcité », and oppose the freedom to wear headscarves in schools and other religious symbols; then at a local level, as they are often mayors of their cities, negotiate with Muslim representatives for the building of places of worship, the financing of associations, the creation of inter-religious dialogue initiatives, to name only a few examples (Martiniello, 1997). In everyday life, multiculturalism in many ways is becoming a normal and common part of social life, though often in a silent, routine, and even unnoticed way (Colombo and Semi, 2007): in consumption practices,



in interactions in workplaces, in the employment of foreign women to assist the elderly at home and manage household tasks, in love affairs and mixed marriages.

## **6. POLITICAL PARTICIPATION ACROSS BORDERS**

Democratic participation of migrants has been exercised more in recent years than in the past even in the countries of origin, setting up forms of dual membership and bi-localism in political terms. This is one of the most important aspects of «globalization from below», in which transnational processes of contemporary migration concur (Smith and Guarnizo, 1998; Ambrosini, 2008). The first significant phenomenon is the granting of voting rights to emigrants abroad, which has been allowed in recent years by an increasing number of countries, including Italy. The Italian case in particular occupies a distinctive place in the international scene: not only has it granted the vote to immigrants now that the flow of emigration has almost come to a standstill (the remaining ones are mainly transfers of skilled workers abroad), but it has also granted them the opportunity of electing their own MPs, in reserved electoral colleges. The MPs sit in Italian Parliament as representatives of immigrants, elected in Argentina, in the United States or Australia, and may impose taxes or restrictions of civil liberties on those who live in Italy, but not on the voters who voted for them.

Apart from this anomaly, it is necessary to establish the reasons why a growing number of states grant immigrants, including permanent residents abroad, the opportunity to participate in the formation of political decisions that pertain to the motherland (R.C.Smith, 2003). According to Bauböck, (2003) these policies match three expectations: *a)* feeding the sense of belonging to the home country, with the view to a possible favorable return in terms of human capital and possibly the return of financial capital; *b)* keep alive, thanks to the symbolic resource of the vote, the commitment of sending remittances, cultivating a «myth of return» even when circumstances make it impracticable, and *c)* being able to count on the mobilization of countrymen in receiving countries as an instrument of foreign policy, to support the national interests across boundaries.

None of these objectives is new. Those who come from countries of long established migration like Italy can remember for example that the Fascist regime tried to organize Italian communities abroad on the political level, aiming to manipulate them in events and initiatives in support of its policies. What seems new is the instrument used, a broadening of the democratic basis of the decision-making process to citizens who reside permanently outside the national borders, perhaps for decades, or even who have never lived there and know only indirectly the country whose fates they should vote for, in the case of second or even third generations. This, moreover, allows the immigrants to feel that their concerns are more important to the government of their homeland now that they reside abroad, than they were before, when they lived in the country of origin (Mahler, 1998).

One might ask how much importance immigrants give to this opportunity for participation. One of the first investigations on this issue, relating to the Ecuadorians in Italy, has proposed an ambivalent framework (Boccagni, 2008). The Ecuadorian immigrants remain attached to their family, are very active in communication and the sending of remittances; they feel attached to the motherland on the emotional and identity level. They participated in *masse* in the vote, partly because of the recurring threats of penalties for absentees, but they have proved to be uninformed and uninterested in the political situation of a country which they left some years ago. The Election Day was overall a festive occasion, a reason to meet up again, to be together in the shadow of the flags and national symbols, to proudly confirm their origins. Participation in elections was largely due to patriotic-identity reasons, and was an almost ritual event in which people could confirm and share their national belonging: «The opportunity to relive in the public sphere of a foreign country, in a day spent together, their common national identity, has weighed much more than what was at stake» (*ibid.*, pp. 52-53).

The forms of transnational citizenship from below can also be traced to experiences that are already well known and long-established, such as the political activities promoted by exiles, refugees or simple immigrants abroad. These are revitalized by new communication technologies, the possibility of being informed in real time and watching what happens at home on TV, and at the same time they have some effect, along with mobilization, on political relations between states. Eva Østergaard-Nielsen (2003) in this regard analyzed a wide range of phenomena that range from protests against

the injustices committed by the government of the motherland to the demonstrations to defend it, from the participation in election campaigns and the vote abroad to support of projects of associations operating in the places of origin.

The debate on the effects of these practices, however, remains open especially with regard to the processes of citizenship in the receiving societies. Much of the literature on the subject rejected the thesis of Huntington (2005), about the disintegrative effects for host societies of the political mobilization of migrants for issues regarding the countries of origin: the involvement of migrants in the political life of the mother country is not necessarily incompatible with integration into the host society. In the opinion of Portes (1999), there can be an effective counterweight to the tendency towards *downward assimilation*, which is the assimilation in urban ghettos and in the lifestyles of marginalized minorities. Some doubt arises however regarding commitment to the improvement of living conditions in places of settlement. According to Østergaard-Nielsen (2003), if we add commitment in political activities aimed at the homeland to long working hours, there is not much time left to fight for better social and legal conditions in the places where they held their lives, as in the case of Kurdish refugees in London or the Haitians in the United States. The reference to the time sounds a little deterministic, since the capacity of mobilization, propaganda and political pressure built up for the purpose of influencing the fate of the countries of origin may also be converted or re-used for purposes of *advocacy* on behalf of the countrymen who have emigrated; but it is true that groups that are very much engaged in political battles that target the country of origin usually cultivate the myth of return, consider their settlement abroad provisional and maybe instrumental, do not develop a great interest in the integration of countrymen in receiving countries. This could even affect their identification with their ancestral homeland and the motivation to fight to change the situation there.

Lastly, in a wider meaning of democratic participation, we can place the phenomenon of the formation of groups for the support of the development of communities of origin, thanks to which migrants continue to play an active role in their countries of origin and exercise influence on local authorities: a set of initiatives that are on the border between activities with economic values, promotion of solidarity by civil society and *grassroots* political action. Associations of this type, promoted mainly by Latin American migrants in the

United States, for example, can become alternative sponsors of projects that do not find favor with the elite of the local society; they also allow the promoters to capitalize on the popularity gained to present themselves as candidates for elections. The literature on the subject has observed a marked increase in the number and functions of *hometown associations* throughout the 1990s (Vertovec, 2004), and tends to consider them as a demonstration of the processes that accompany the institutionalization of the transnational ties of immigrants<sup>9</sup>. According to research by Portes, Escobar and Walton Radford (2007)<sup>10</sup>, immigrant associations for civic, philanthropic, cultural and political purposes caught on in the U.S. to such an extent that they affected the prospects of development of towns and regions of origin and attracted the attention of the governments of the countries of origin (*ibid.*: 276). While the logic of multinational firms increases the inequalities between the world's northern and southern hemispheres, these associations seek to alleviate them, pursuing a better future for migrants and for those they leave behind. The fact that the protagonists are mostly educated immigrants, long-term residents, with good jobs, often naturalized, then has relevant theoretical implications: integration into the receiving society and transnational commitment do not come into conflict; identity and social belonging transcend boundaries, but do not create conflict between alternative loyalties; dual citizenship is not only a matter of formal rights, but of substantial civic practices.

The picture that emerges from the assessments of the Italian experience is less encouraging, where the link between associationism of migrants and co-development initiatives in countries of origin is the subject of increasing institutional attention, but still shows weakness and discontinuity. We can say, however, that the co-development projects have helped to strengthen the weak associationism of immigrants and have encouraged the processes of professionalization of some immigrant elites (Stocchiero, 2009): this too can be considered a form not only of empowerment, but also of progress on the road to real citizenship (Procacci, 1998) in the receiving society.

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<sup>9</sup> In Chicago alone, the number of «Mexican clubs» that channel money to specific places in Mexico to build schools, roads and churches increased from 35 in 1995 to 181 in 2002 (Vertovec, 2004: 987).

<sup>10</sup> The survey involved 90 organizations: the main 30 for the three nationalities chosen, Colombians, Dominicans and Mexicans.

## 7. DISAGGREGATION OF CITIZENSHIP AND COSMOPOLITAN HORIZONS

This network of phenomena is intertwined with the theoretical debate about eliminating «national» citizenship, and replacing it with forms of dual, multiple or supranational citizenship (see Soysal, 1994; Bosniak, 2001), or more simply with a de-nationalization of the institution of citizenship (Wihtol de Wenden, 1992; Sassen, 2008a). Legally belonging to a state, concretely usable rights and the «homeland» as a place of political identification no longer automatically overlap. In addition, human rights are no longer closely related to citizenship, or recognized by any international agreements based on reciprocity. Now under democratic regimes they also apply increasingly to non-citizen residents, in spite of conflict and withdrawal. In other words, the Westphalian order, based on the absolutism of the principle of sovereignty of government power within national boundaries, while remaining central in the political organization, has been undermined and eroded in several points.

Some people have gone on to think that after the absorption of small local countries into the national states, the phasing out of national citizenships in favor of forms of supranational citizenships is now appearing, of which European citizenship is a first example. Benhabib (2006), on the other hand, speaks of «disaggregation of citizenship», that is the dissociation of its constitutive dimensions: collective identity, privileges of political membership and the possibility of accessing to social rights, with the resulting benefits. Now within the borders of national states, the dualism between members of the nation and foreigners, or between citizens and immigrants, appears even more inadequate, and the social dynamics are much more fluid than legal boundaries. In the words of the author, the boundaries between the *ethnos*, i.e. the nation founded on the affinity of memories and ancestral ties, and the *demos*, i.e. the aggregate of citizens suitable for democracy, are subject to continuous negotiations: democracies need porous borders, and «the people» are a dynamic and not a static reality.

On the international level, norms and institutions have spread across national boundaries, defined by Benhabib as «cosmopolitan», following Kant and Hannah Arendt, such as the International Criminal Court, established by the Treaty of Rome. Today the local,

national and global elements are increasingly intertwined. This new situation allows us to glimpse the emergence of new political configurations and new forms of democratic action, inspired by the interdependence between these three levels. The concept of cosmopolitanism transfers the multiplicity of instances and practices of political participation across national boundaries onto a theoretical level. According to Beck, perhaps its best-known proposer, cosmopolitanism is placed within the horizon of the second modernity, characterized by lifestyles that «shake up the equation that once could be established between language, place of birth, citizenship, nationality and look» (2003, 138).

To analyze this social reality that constantly and in various ways overflows national borders, Beck introduces the concept of cosmopolitanization, defining its meaning as follows:

*a)* The permeability of clear boundaries that separate markets, states, civilizations, religions, cultures, worlds of life and of ordinary human beings, and therefore; *b)* the involuntary comparison with outsiders everywhere on earth. The world today is not indeed «without boundaries», but those boundaries have become fluid-crossed by flows of information, capital and risks, though to a lesser extent for men (2009: 10).

The «cosmopolitanization» of global society, therefore, comes into conflict with the «methodological nationalism» and questions the cultural categories that have endured and strengthened the organization of the world in national states.

While the political categories currently in use continue, in fact, to assume that the nation-state is a fundamental political category, according to the canons of «early modernity», a «revolution in loyalty» is taking place especially through international migration, which questions the national societies on three issues: *a)* the distribution of membership, i.e. the justification of the principles that form the basis of admission to or exclusion from the community (in our case, of citizens); *b)* the appearance of forms of «flexible citizenship», that requires a definition of who the holder of the rights of citizenship is and what kind of rights they are; *c)* the distribution of responsibilities and identities beyond national borders. Beck is particularly convincing in his criticism of the implicit assumptions of socio-political affiliations, anchored to the national factor. Applying this to migration, the debate leaves a given fact in the shade: the

high degree of particularism of self-representation of migrants, linked to a country and often to a region, city or village, rather than to cosmopolitan visions of citizenship. We could say that migrants are often cosmopolitan *de facto*, but nationalist and even localist in their minds, just as the receiving societies continue to think of themselves in national and homogeneous terms, even though they have now become multiethnic.

The cosmopolitanization of the contemporary world then has to face another phenomenon: the tightening of border controls and the treatment given to migrants in an irregular situation. The policies of the receiving countries, even when they are democratic regimes, seem to feel tempted to question or narrowly redefine some fundamental acquisitions of international conventions on human rights, such as the right to asylum<sup>11</sup> or access to essential services, such as medical care or education for minors.

In the United States as in Europe, however, governments know they cannot deport millions of immigrants with an irregular status, who have often been residents for years, and who are integrated in the economic system, sometimes accompanied by families and children. Under pressure from hostile public opinion and political forces which are in favor of these lines of action, they have difficulty in deciding to legalize them. They end up many cases leaving them for years in a grey zone of precarious survival and serious inequality in terms of access to rights that would promote social integration. In Europe, however, 22 out of 27 states between 1996 and 2008, despite the rhetoric, implemented some form of regularization of unauthorized migrants, and according to a conservative estimate at least five million people acquired a legal status (ICMPD, 2009). The states of Southern Europe (Italy, Spain, Greece) were the most active, because of recurrent measures to legalize the presence of migrants in an irregular situation. The past Italian government is a case in point: after having issued very harsh norms towards immigrants, especially unauthorized immigration, such as the introduction of

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<sup>11</sup> According to the Fortress Europe organization, in 2008 the press reported the deaths of 1502 people who were attempting to reach Europe from South Mediterranean, not to mention the people who disappeared without a trace. There has been an overall decrease of 23% compared to 2007, but in the channel of Sicily the reported number of victims has increased, rising from 302 in 2006, to 556 in 2007, to 642 in 2008. Since 1988, there have been at least 13,351 victims of attempts to reach Europe.

the crime of illegal stay in the territory, it approved in the summer of 2009, a measure of amnesty for immigrants working in Italian families, according to which nearly 300,000 applications were made (Triandafyllidou and Ambrosini, 2011).

From the viewpoint of those involved, the irregular condition can thus be seen as one step on the path towards integration and citizenship, albeit long and hard. First getting a job, even if it is an unregistered one, then the residence permit, then the family reunion, together with civil and social rights; finally, at least for some people, naturalization: this has been the typical route followed by many migrants over the past two decades, especially in southern Europe, along with all the risks of failure or deportation that hindered the path. A similar process has been noted by Glytsos (2005) in the Greek case, identifying a sort of ascending trajectory of the migrant status, beginning with a «state of illegality», moving on to a «temporary amnesty», then to «legalization under suspension» and finally culminating, after ten years, in «unconditional legality».

It follows that citizenship is not a fact, but a process; it does not only descend from above, but every day it is acquired from below; it is not only a political institution, but a set of social practices; it does not see beneficiaries as mere passive subjects of concessions granted by the host State, but it makes them an active part of the process of the widening of the legitimate social base of society of which they chose to be part (see Cherubini, 2010).

## **8. CONCLUDING REMARKS. PROCESSES OF CITIZENSHIP AND DEMOCRATIC INSTITUTIONS**

In this article I have attempted to analyze the challenges and tensions that international migration poses to the institution of citizenship, which is still predominantly conceived and codified in national terms. While the governments of the states tend to reassert their prerogatives of definition of boundaries and legitimate belonging, several supranational institutions (in our case, especially European ones), the conventions on human rights and the courts of justice establish rights and social benefits that in some aspects go beyond the strictly defined national framework. Belonging to a State, usable rights, forms of social and political participation and collective



identifications tend to become detached from formal considerations, or at least take on more flexible and diverse configurations.

In these processes of redefinition, the social practices of migrants help to redraw the boundaries and the contents of citizenship from below. Finding a job, contributing through taxes to the financing of public spending, setting up a home, attending training courses, benefitting from social services, joining a trade union, participating in the social life of the area, taking part in political activities: through these and other acts of citizenship, immigrants increasingly become part of the society in which they live. The legal recognition of this belonging may arrive late, or may follow tortuous paths, or even be denied, as it is in Italy: it is anything but a negligible issue, but if we perceive citizenship as an articulated process consisting of various social practices, we move away from a rigid and inadequate formal vision which dichotomizes society into citizens in the full sense of the word and non-citizens, or even non-persons. Even the borderline case of migrants in an irregular situation shows not only the conventional nature of demarcation between a legitimate stay and an unauthorized one, but also the transitory dimension that it assumes for many people involved.

Organizations for the protection of human rights and the social subjects who play a pro-immigrant lobbying action contribute to broadening the boundaries of legal residence, along with the package of rights that results from it. On the other hand, some political parties have launched campaigns in the opposite sense, not without success. The world of migrants' rights appears today one of the most thwarted and ideologically controversial in the political debate: citizenship can also be seen as an institution open to conflicting definitions.

In this context, we must not forget that the countries of southern Europe, protagonists of massive regularization campaigns, are those that show in a more evident and widespread way the porosity of the borders between regular and irregular status: this is an important step on the road toward full citizenship, albeit a tortuous and uncertain road. Thus, the often mentioned petition of Hannah Arendt (1951) on the «right to have rights» can be revisited in a more dynamic and negotiated way: there are various stages and ways in which those who are formally excluded can claim and achieve rights. Of course, along the road, in the middle ground between rigid exclusion and full citizenship, people can also lose their rights, since the path of

citizenship is not always univocally straightforward. But precisely for this reason, political mobilizations, alliances with broader coalitions and daily practices at the micro-social level become salient features of the battle for the expansion of borders of legitimate belonging and recognized rights.

In this contrasted scenario, between pressures to exclude, the practical impossibility to achieve this, a reluctance to broaden the boundaries of legal residence, the practices of violation of constraints on territorial mobility, paths of redefinition from the bottom of the actual composition of the national and local societies, crucial processes for the quality of future coexistence are occurring.

It is worth remembering that if the principle of sovereignty implies the right of the State to control its national borders and establish procedures for the admission of foreigners into the territory, in a liberal democratic society these state prerogatives are always tempered and limited by human rights, of which individuals benefit not as citizens, but as human beings (Benhabib, 2002). In consequence, liberal democracies are constantly under the obligation, whenever they watch over their borders, to prove that the ways in which they effect surveillance do not violate fundamental human rights. I would add that this also includes the management of internal borders, those that regulate access to social benefits and civil rights. In this perspective, the mobilization of migrants and of advocacy coalitions that defend them acquires a deeper meaning of curbing the pressures towards the exclusion that emerge today in various parts of the European political geography. The treatment of migrants is standing out as a very strict testing ground to evaluate the capacity of our democracies to remain faithful to the values they profess.

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