

Pathways of protection and integration of asylum seekers victims of labour exploitation: limits and potentials

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The aim of the paper is to question the effectiveness of protection and integration pathways for asylum seekers victims of labour exploitation, as disciplined by the Italian normative framework. The focus on asylum seekers is due to their increasing involvement in the phenomenon of exploitation, if compared to the decreasing one of irregular foreigners; a trend that literature defines as the refugeeization of labour exploitation. The privileged perspective of observation is that of the experimentation of a new model of taking charge of foreigners victims of labour exploitation, developed within the S.O.L.E.I.L project, which leads to the possibility of evaluating both well-established pathways of interception, protection, and integration as well as new experimentations. The project, active in the territory of the Region of Tuscany, aims in fact at implementing a system of taking charge through multi-stakeholder coordination and through the promotion of new interventions for protection, inclusion and social-work integration. The method followed is that of qualitative research through interviews with the asylum seekers and beneficiaries of a protection status taken in charge within the S.O.L.E.I.L project. Therefore, sources are mainly empirical ones, along with the existing scientific literature in the sociology of law field. This kind of “action-research” thereby develops a form of investigation on the issue in parallel with a practical involvement within the S.O.L.E.I.L project. Based on the interviews with the beneficiaries of the project, the qualitative research focuses on investigating the limitations of protection pathways for victims of labour exploitation regulated by articles 18 and 22 of Legislative Decree no. 286/1998, along with the possibility of interpreting the special protection regulated by article 19 of Legislative Decree no. 286/1998 - in the version prior to the amendments dictated by Law no. 50/2023 and therefore still in force for pending proceedings -, as an alternative instrument of integration. Protection pathways for victims of labour exploitation through the Single Program of Emersion as regulated by article 18 are recognised to those who are in danger, which is not the case for many victims of labour exploitation. In addition to this, even for those who integrate the requirements, the program is characterised by an extremely strict regulation and it is ill-suited to the situation and needs of a foreigner worker; the secrecy and isolation that characterises the accommodation solution is a clear example, together with the basic nature of the services offered. In fact, the state of need and the condition of vulnerability which overexpose asylum seekers to exploitation are mainly due to their social isolation, to a precarious legal status and to the urgency of gaining money, necessary especially to support the family back in the country of origin. On the other hand, protection regulated by article 22 requires the institution of a criminal proceeding, while in many cases workers victims of exploitation are not willing to denounce. In addition, these two pathways of protection suffer from a certain level of precariousness, considering the short duration of the permits of stay. Instead, protection potentially granted by article 19 – which guarantees a longer and less precarious legal status - by enhancing the attempt to escape from the

condition of labour exploitation through adherence to a less strict program of inclusion, personally suited, coordinated with the existing services and not forcedly linked to a criminal proceeding, could better answer to the needs of victims of labour exploitation. In this framework, two specific experimentations are also investigated. One is linked to the potential of recognizing to trade unions, thanks to an innovative interpretation of the Guidelines on the identification, protection, and assistance to victims of labour exploitation in agriculture, a stronger role in identifying victims of non-serious labour exploitation and in building paths of protection and taking charge with social services and local authorities. Secondly, the research questions the potential efficacy of implementing pathways out of exploitative conditions also through the inclusion in the SAI Network project (Sistema Accoglienza Integrazione) of asylum seekers victims of exploitation, as vulnerable subjects who benefit from specialized projects for reception and support, in the light of a situational interpretation of the category of vulnerability. As regards the finding of the research, it is possible to underline the effectiveness of pathways of taking charge which differ from the typical ones disciplined by article 18 and 22 of Legislative Decree no. 286/1998. Protection pathways characterised by greater flexibility, capable of responding to the main needs of victims of exploitation as evaluated case by case as regards housing, vocational education, relocation, revenues and other needs are in fact better suited. In addition to this, instruments of identification of victims of exploitation and the implementation of pathways for integration in which centrality is given to trade unions, as a subject with specific technical expertise and considering their direct contact with workers, have some important strengths.