

Adam Mickiewicz University in Poznan

Doctoral School of Social Sciences AMU
Faculty of Political Science and Journalism AMU

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Natalia Maria Szulc

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**Asylum Procedures and Forced Labour of Asylum Seekers and
Refugees in Italy**

Procedury Azylowe i Praca Przymusowa wśród Azylantów i Uchodźców we Włoszech

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1. Introduction

„Refugees are not just a window into the hell they fled. They are also a mirror to the societies they reach” (Mandić, 2022)

Drawing on the analogy indicated by Baczek et al. (2018) and Mandić (2022), the interest with refugee stories arises from their ability to provide insight into the situations in their countries of origin without the need for physical presence. However, these stories also highlight an area that we "hesitate to approach", namely the systematic failures of asylum law, the inadequacy of policies, and the questionable protection of the rights of asylum seekers and refugees (ARs) in host countries (Mandić, 2022, p. 10).

One indication of this is the increasing recognition of ARs as victims of human trafficking and forced labor in the receiving countries (GRETA, 2017, 2024). In Italy, the highest number of *survivors* among ARs emerged between 2016 and 2017, particularly with the arrival of female Nigerian asylum seekers¹. Anti-trafficking experts has highlighted the growing number of survivors and *potential victims* among ARs in Italy, in all forms of forced labour (GRETA, 2017, 2020, 2024)².

In this dissertation, I reveal insights into the interplay between asylum procedures and forced labor among ARs in Italy. Key findings highlight the dual nature of these procedures, showing how they can both protect and expose ARs to forced labor. Specific procedural elements within the asylum system, such as the length of the process, access to information, and reception conditions, play pivotal roles in shaping these outcomes. This duality underscores the complexity and importance of the relationship between asylum policies, procedures, and the exploitation of ARs.

In this introduction, I shall reflect on the context of the study, define core concepts, questions and explain its methods and structure. The motivation for this dissertation stems from both an academic curiosity and a pressing need to understand why individuals within the asylum system and under international protection remain vulnerable to exploitation in the very countries that are supposed

¹ By using the term "survivors," this dissertation aligns with a broader movement in the field of human rights and social justice, which seeks to honor the resilience and agency of those who have endured forced labour and to support their recovery and empowerment (Papendick and Bohner, 2017). The term "victim" includes individuals who are potential victims of forced labour, such as those directed towards exploitation but not yet exploited. It is also used by organizations combating human trafficking to refer to those at risk of forced labor.

² "Potential victims of trafficking" refers to the numbers classified as "new cases for evaluation" in the reports of the HT prevention network. This refers to the assessment of the presence of elements of trafficking/exploitation and eligibility for assistance programmes, among the reported cases.

to guarantee their safety. The research objectives and questions sought to unravel the underlying causes of this paradoxical situation, which could be described as a *Schrödinger's Asylum*.

In this study, firstly, I aimed to systematically map the database on forced labor of ARs and its relationship to the asylum and migration policy in the host state.

My primary objective was to explore the relationship between asylum procedures and forced labor among ARs in Italy. Moreover, my goal was to review and analyze asylum procedures to assess how far they may reduce or facilitate the problem of forced labor of ARs. Furthermore, I aimed to analyze the procedures through the lens of the theory of *structural injustice*. Finally, I sought to create a theory of change as a foundation for practical recommendations for practitioners and stakeholders based on the data findings.

The main research questions addressed were:

- What is the overall state of the empirical evidence base on the scale and nature of forced labor of ARs and its relationship to the asylum and migration policy in a host state?
- What can we learn from key research findings on the scale and nature of forced labor of ARs and its relationship to asylum and migration policy in a host state?
- What is the relationship between the asylum procedures and forced labour among ARs in Italy?
- How far the asylum procedures and their execution may reduce/facilitate the forced labour among ARs in the host state (Italy)?
- How is the theory of *structural injustice* applicable in the context of the asylum procedures and the problem of forced labour?
- What solutions need to be implemented for change?

To address these questions, I adopted an exploratory stance and employed a mixed-methods approach using a sequential explanatory design. In line with grounded theory (GT), I continuously adapted the conceptual framework throughout the research process.

In the first phase of my research, I conducted a quantitative two-phase systematic review. The results of this review determined my subsequent research steps. For the qualitative component, I conducted focus groups with representatives from the asylum system and anti-human trafficking network in Italy. I analyzed the collected data using thematic analysis, with qualitative coding supported by MAXQDA software. Since few studies detail the evolution of codes and notes within grounded theory (Corbin, 2014), I included examples of code development during my data analysis. This methodological approach enabled me to construct a substantive grounded theory.

In addition to the scholarly publications included in the systematic review, I also relied on various primary and secondary data sources. The analysis incorporated a comprehensive review of legal documents, court proceedings, and reports provided by Italian research institutions and the Prosecutor's Office in Italy.

Legal acts and directives, such as the Asylum Procedures Directive (APD) of the European Union, the Italian Penal Code (Articles 600, 601, 602, and 603-bis), and international agreements like the Palermo Protocol, were also integral to this research. These legal frameworks helped contextualize the procedural and protective mechanisms within the asylum system, highlighting areas where legislative gaps and enforcement challenges may contribute to the problem of forced labor.

Additionally, the study utilized grey literature, including reports from international and local organizations. Among these were reports from GRETA, EUAA, AIDA, Save the Children, IRC, UNHCR, IOM, and ILO. Notably, the research extensively referenced legal analyses conducted by the Association for Juridical Studies on Immigration (ASGI)³. Moreover, secondary data from the National Anti-Trafficking Helpline offered valuable statistics on potential victims of trafficking, further substantiating the study's findings. These sources were essential for triangulating data, validating findings, and offering a broader perspective on the research problem.

In my dissertation, I did not pose any hypotheses due to the adoption of the grounded theory approach. The GT is fundamentally designed to generate theories that are intrinsically *grounded* in empirical data. The primary focus is on allowing patterns, themes, and concepts to emerge from the collected data without preconceived notions or hypotheses. By not starting with a determined claim, GT maintains openness and flexibility (Strauss and Corbin, 1998; Charmaz, 2006; Bryant and Charmaz, 2007).

Operationalization of Concepts, Time Frames, and Geographical Scope

Based on international law, *forced labor* involves a situation in which a person is forced to work or provide a service under the 'menace of any penalty' and for which they have not offered themselves 'voluntarily' (ILO, 1930, Article 2). In this dissertation, I intentionally use the definition of *forced labor* rather than solely the definition of human trafficking, as it allows for capturing the multiplicity of exploitation forms among ARs in Italy. Therefore, when I refer to "forced labor," it includes:

- Severe labor exploitation and *caporalato*⁴
- Commercial sexual exploitation (forced prostitution)
- Trafficking in human beings for the purposes of exploitation and forced labor

³ ASGI consists of a network of lawyers, academics, consultants, and civil society representatives who contribute to the association's work at administrative, policy-making, and legal levels, both nationally and within the broader European context.

⁴ An illegal form of recruitment and organization of labor, especially in agriculture, through intermediaries (*it. caporali*) who hire day laborers on behalf of the employer, receiving a fee, outside the normal employment channels and without adhering to the contractual minimum wage rates (Law No. 199/2016 and Article 603-bis of the Italian Penal Code).

This definition follows ILO guidelines and the Palermo Protocol (OHCHR, 2000). Severe labor exploitation refers to all forms penalized under the legislation of the Member State where it occurs (Italian Penal Code Articles 600, 601, 602, 603-bis). Forced child labor covers all these categories⁵.

Asylum procedures refer to the structured set of administrative and legal processes governed by the Asylum Procedures Directive (APD) of the European Union.

These procedures encompass all stages from the initial application for asylum through to the final determination of the claim and any subsequent appeals. The key stages include access to procedures and registration, identification procedures, and reception processes.

International protection system (also called *asylum system*) is understood as the comprehensive framework encompassing procedures, practices, policies, and legal frameworks that govern the reception, processing, and protection of individuals seeking international protection. This term applies to systems at the European, and Italian levels⁶.

I understand *asylum seekers and refugees* as people who made a claim for asylum and are awaiting determination of their case, have been granted some type of international protection (e.g., humanitarian protection), have been granted refugee status, or asylum seekers whose applications have been rejected and who are still in the host country. In this study, I focus significantly on ARs, who are in particularly vulnerable situations. However, I use the concept of *vulnerability* cautiously, as it can create arbitrary distinctions and potentially lead to incorrect assumptions that ‘ordinary’ migrants, or people (in general) are not vulnerable⁷.

In this study, I selected the 2015 – 2021- time frame due to its relevance, currency, and data accessibility. Post-2015, amidst the so-called migration crisis, attention to the vulnerability of ARs in host countries surged, exposing data inadequacies. This potential hindrance to solution development prompted efforts for better data availability. The selected timeframe also allows for the capture of a crucial moment from the perspective of the coexistence of asylum and forced labor issues, namely, the emergence of asylum seekers (mostly) from Nigeria. This period also encompasses significant changes in Italy's asylum policy.

The choice of Italy as the geographical focus for this dissertation is justified by several compelling factors. Italy's strategic location in the Mediterranean Basin has made it a primary route for asylum seekers from Africa and the Middle East, especially following the significant increase in arrivals after 2015 (Eurostat, 2024). During this period, there was also a rise in the vulnerability and number of reports of survivors and individuals at risk of forced labor among ARs (Della Puppa and Sanò, 2021; Ambrosini, 2018; GRETA, 2017; MEDU, 2021; MEDU, 2022b). Italy's experience in managing a large volume of asylum applications, its evolving asylum policies, and documented cases of forced labor make it an important case study for understanding the relationships between asylum procedures and forced labor among ARs. Additionally,

⁵ I do also consider *The Forced Labour Protocol and Recommendation*, adopted by the International Labour Conference at its 103rd Session in June 2014, which complements the 1930 and 1957 Protocols and pays particular attention to the vulnerability of persons on the move.

⁶ As stated by Bast et al. (2022), any asylum system must address three key questions concerning the protection of refugees: who qualifies as a refugee within that system, the scope and content of the asylum status granted to refugees, and the process through which refugees can access the asylum system and have their claims reviewed.

⁷ Some studies helped construct this attentiveness: Bracken-Roche et al. (2017), Bast et al. (2022).

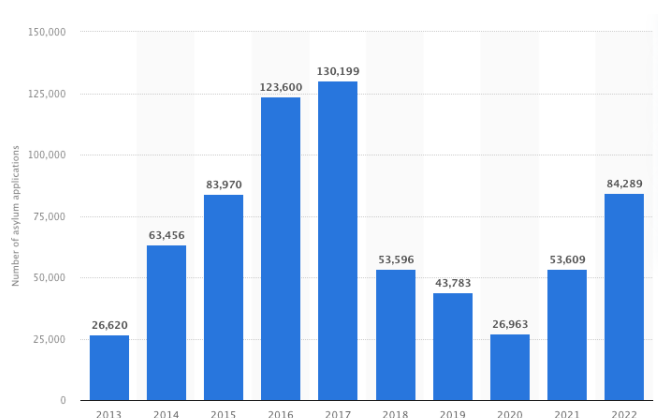
Italy's highly structured anti-human trafficking system provided a robust foundation and data for a better understanding of this phenomenon.

Context⁸

Since the late 1990s, Italy has been a primary destination and transit point for ARs fleeing wars, political crises, environmental disasters, and resource depletion due to its strategic location in the Mediterranean (Della Puppa and Sanò, 2021; Ambrosini, 2018). In the 1990s and early 2000s, many arrived by sea from Albania and Kosovo. From 2008 to 2013, arrivals from the Horn of Africa and the Maghreb increased. The Arab Spring, Libyan Civil War, and Syrian conflict caused a significant rise in arrivals between 2011 and 2013, culminating in about 63,000 arrivals in 2013. From 2014 to 2017, Italy saw over 600,000 migrants from sub-Saharan Africa and Asia (Giovannetti, 2018). This period, marked by numerous deaths along Mediterranean routes, made the Sicilian Channel one of the world's most dangerous migration corridors (Della Puppa and Sanò, 2021; Pinelli 2017). The dynamics of asylum applications are shown in Figure 1. Between 2001 and 2013, 120,000 applications were submitted. In just the three subsequent years (2014-2017), this number exceeded 400,000.

Among these, the number of rejected applications has increased over the years. Since 2016, the rejection rate has remained around 60% (AIDA, 2017, 2023). A rise in the number of rejected applications occurred in 2019, reaching a 77% rejection rate (Eurostat, 2024). Experts attribute this increase to policy changes and the so-called Salvini Decree (Giovannetti, 2018; Della Puppa and Sanò, 2021). In 2023, the rejection rate decreased to 37% (AIDA, 2024)⁹. Many rejected asylum seekers either relocate within Europe or remain in Italy, facing extreme vulnerability and marginalization in social, residential, and work contexts (Della Puppa and Sanò, 2021; Christou and Kofman, 2022 ; Kofman and D'Angelo, 2019; Della Puppa and Sanò, 2021).

Figure 1. Number of asylum applications in Italy (2013-2022)



Source: Eurostat (2024).

⁸ The aim of this work is not to provide a comprehensive overview of the issue of forced labor in Italy and the emerging trends in this area, as well as the forms of exploitation of ARs. The section outlining the context presents the necessary information to understand the research findings and the conclusions of the dissertation.

⁹ However, the rate remains high among certain nationalities, with rejection rates for applicants from Egypt at 90%, Nigeria at 60%, and Bangladesh at 77% (AIDA, 2024).

The presence of ARs within the human trafficking prevention system increased notably around 2015 and 2016. This was largely due to the aforementioned so-called refugee crisis and the influx of Nigerian women and girls seeking asylum, often as unaccompanied minors (De Felice, 2020). This development necessitated collaboration between anti-trafficking and asylum systems. The arrival of Nigerian trafficking survivors within the asylum system significantly altered its operational dynamics (Destefani and Degani, 2021; UNHCR, 2021; Zorzella, 2021; IOM, 2016; Pascoal, 2020a).

The 2023 report by GRETA (Group of Experts on Action against Trafficking in Human Beings) expressed concern over the increasing number of trafficking victims among ARs. Furthermore, the report underscored the need to strengthen prevention and combat labor exploitation in Italy. Experts identified gaps in detecting victims among newly arrived migrants, unaccompanied foreign minors, and, in particular, Nigerian women and girls seeking asylum (Save the Children, 2015). Additionally, the report noted that restrictive migration policies in Italy contribute to a climate of fear among migrants, who are afraid of detention and deportation, which can hinder victims from seeking help (GRETA, 2024).

Since 2016, Italy has identified between 2,100 and 3,800 potential human trafficking victims each year, primarily women, though the numbers of men and transgender individuals have increased (ibid., 2024, GRETA 2017). While sexual exploitation remains the most common form, labor exploitation is rising, particularly in sectors such as agriculture, textiles, domestic work, construction, and hospitality. These sectors are heavily reliant on immigrant and AR labor (ibid., 2024). Data from the National Anti-trafficking Helpline (it. *Numero Verde Anti-Tratta*) indicate that the number of *potential victims* increased from 3,555 in 2018 to 3,799 in 2019, then decreased during the COVID-19 pandemic to 2,166 in 2020, stabilizing around 2,400 in 2021 and 2022 (Numero Verde Anti-Tratta, 2023). Predominantly female, the victims increasingly include males and transgender individuals. Sexual exploitation, once the primary form of exploitation (84% in 2018), has decreased to 59% by 2022, while labor exploitation has risen from 10% to 38% in 2022. Victims come from 101 countries, with Nigeria being the most common country of origin (68.4% in total, and 47% in 2022)¹⁰.

Despite these identified figures, it is estimated that between 15,000 and 20,000 individuals are at risk of trafficking and exploitation in Italy. This underscores the urgent need for enhanced detection and protection measures, especially in the context of complex *mixed migration flows* (ADIR and FLAI-CGIL, 2024)¹¹.

¹⁰ De Stefani and Degani, based on data from SIRIT and the largest numbers of survivors among foreigners, conducted an analysis focusing on cases from Nigeria, Ivory Coast, Morocco, and Bangladesh.

¹¹ Researchers tend to approach this issue through the lens of “mixed migration”, suggesting that its very nature leads to abuse of the asylum system and the accompanying consequences. The term was coined to describe the phenomenon of various groups of migrant populations traveling together (implicitly refugees and so-called economic migrants). The concept aimed to capture the complex motivations for movement. In this thesis I do distance myself from this term, as well as the term of “forced migration”. As Della Puppa and Sano (2023), I believe it's essential to question

Numerous sources highlight the significant proportion of ARs among the victims of forced labor (IOM, 2015; Destefani and Degani, 2021; MEDU, 2021; MEDU, 2022a; MEDU, 2022b; Numero Verde Anti-Tratta, 2023). An analysis of proceedings conducted by ADIR and FLAI-CGI (2024) reveals that nearly half of the survivors had applied for asylum or were under protection. Moreover, in recent years, the main entities reporting for the purpose of evaluating anti-trafficking measures have been Territorial Commissions for the recognition of international protection (30%). This highlights the visible presence of ARs among the victims of exploitation (Save the Children, 2023; Destefani and Degani, 2021).

This trend, termed "profugization" by Omizzolo (2020), underscores the exploitation in the labor market. Omizzolo (2020) traces the roots of these issues back to the 1970s, demonstrating how migrant communities in Italy have long been subjected to exploitative employment. He describes the phenomenon wherein the integration of refugees into the labor market systematically perpetuates their oppression, benefiting employers and criminal exploiters. This concept is echoed by the reduction of ARs to "work fodder" and their confinement to an "industrial reserve army". The situation was exacerbated by COVID-19 and policies that forced migrants to risk their health for short-term residence permits during the pandemic to support the struggling agricultural sector (Della Puppa and Sano, 2023; Dines and Rigo, 2015).

Recent years, especially post-2015, have seen a significant strengthening of research on the labor and sexual exploitation of migrants. More studies in Italy have focused on the sexual dimension of exploitation (De Schrijver et al., 2018; Gebreyesus et al., 2018; Freedman, 2018; Jobe, 2020; Marchiori, 2020), particularly involving Nigerian and Ivorian women (Monzini, 2015; Pascoal, 2020; Giannini, 2018; Mancuso, 2016). Anti-trafficking organizations have similarly focused predominantly on sexual exploitation cases. Empirical studies indicate that only recently have laws, practitioners, and preventive actions begun to focus on forced labor¹².

In 2016, Nigerians were the most significant nationality arriving by sea to Italy, with the number of Nigerian women increasing from 1,500 in 2014 to 11,009 in 2016 (Eurostat, 2024; AIDA, 2017). This rise underscores the feminization of Nigerian migration to Italy, driven by traditional push factors such as poverty, lack of education, limited job opportunities, unequal access to healthcare, domestic violence, and broader gender inequalities (De Stefani and Degani, 2021). Human trafficking for sexual exploitation is a prominent issue among these migrants, particularly those from Lagos and Benin City, which have become epicenters for both emigration and deportation due to entrenched exploitation networks.

and critique the term "forced migration" and its distinction from "voluntary" or "economic" migration. Both are influenced by structural factors, making the differentiation meaningless compared to the reality of material conditions and migration dynamics. Essentially, migration is often a "forced choice" driven by various factors like wars, political instability, economic conditions, and environmental changes. As Sharpe (2018) points out, such approaches to understanding forced migration can fuel populist anti-immigration sentiments, while also assuming from the outset that certain individuals have greater or lesser rights to initiate asylum procedures.

¹² Additionally, there is ongoing debate regarding the distinction between labor and sexual exploitation and contentious definitional issues (Ricard-Guay and Hanley 2019). In my work, exploitation for the purpose of forced commercial sex-work is considered a form of forced labor.

The Nigerian trafficking system is characterized by a debt mechanism, often amounting to €70,000-€80,000, imposed on women deceived into migration with false job promises (ibid., 2021). This debt is enforced by 'madams,' female figures pivotal in the exploitation hierarchy, sustaining a coercive system bolstered by juju rituals that ensure subservience. Despite significant changes over time, this system continues to exploit the marginalized position of women, positioning trafficking as one of the few avenues for social mobility for them (GRETA, 2017). Data from 2018 and 2019 indicate a decline in street prostitution, correlated with a reduction in the visible presence of Nigerian women in these activities, suggesting a shift in exploitation patterns towards indoor prostitution. Historically, Nigerian women have constituted a substantial proportion of street prostitution since the late 1990s, often alongside Bulgarian women of Roma descent, both groups occupying the lowest rungs of the sex work hierarchy in terms of service costs (De Stefani and Degani, 2021).

Migrants from Côte d'Ivoire have been prominent in anti-trafficking data and among asylum seekers arriving in Italy by sea, particularly during 2017-2018. Men are often exploited in agriculture, deceived with promises of high-paying jobs or opportunities to enter professional football. Women are frequently trafficked for domestic labor and sexual exploitation (De Stefani and Degani, 2021). In these cases, also Territorial Commissions and reception facilities were the most frequent entities reporting these issues (ibid., 2021).

In the context of labor exploitation in Italy, a significant portion of research has focused on the problem of *caporalato*, particularly in the agricultural sector (Palumbo and Scirba, 2018; Corcione, 2017; Omizzolo, 2016; Iovino, 2016; Leogrande, 2016; Scotto, 2016; Botte, 2016; Rigo, 2016; Sagnet et al., 2015). Labor exploitation and *caporalato* have significantly affected migrants from Bangladesh. In recent years, this nationality has become more visible among asylum seekers¹³. The Bengali community has been closely monitored by anti-trafficking projects over the past decade, providing insights into labor exploitation and capturing migrant experiences crucial for understanding severe exploitation within this national group (De Stefani and Degani, 2021). Working conditions can be described as quasi-slavery, resembling classical slavery forms but not penalized as such (ibid., 2021). Like Nigerian women, Bangladeshis are also bound by debt incurred upon arriving in Italy, and severe exploitation most often occurs in agriculture. These are not the only nationalities affected by the problem of exploitation; however, they serve as significant examples illustrating the critical issue¹⁴.

¹³ In 2022, the most frequent asylum applications were submitted by individuals from Pakistan, Nigeria, and Bangladesh. In 2011, these were Bangladesh, Tunisia, Pakistan, and Nigeria. For Bangladesh, this represented a 115% increase compared to the previous year. A significant rise (228%) in applications from individuals from Egypt was also recorded. See more at: http://www.libertacivillimmigrazione.dlci.interno.gov.it/sites/default/files/allegati/confronto_anni_2021_-_2022_.pdf

¹⁴ Regarding the recruitment method, most of the subjects have fallen victim to fraud and false promises. The second most common method is through "job offers". Conversely, there has been an increase in proposals for emigration (rising from 5.7% in 2017 to 8% in 2019). The predominant recruitment method throughout all three years, ranging from 85% to 94%, is the "informal" verbal agreement (Destefani and Degani, 2021).

The landscape of labor exploitation in Italy encompasses ARs from Sub-Saharan Africa. This demographic has become increasingly visible in reports and data, revealing their living conditions in informal settlements (it. *baraccopoli*) and their employment as agricultural laborers (it. *braccianti*¹⁵) (MEDU, 2021, 2022a, 2022b, 2023; Save the Children, 2020; AIDA, 2017, 2018, 2019).

Despite this visibility in data, they remain invisible to the broader society and systemic structures. A 2022 report provided a detailed analysis of the living and working conditions of agricultural workers residing in informal settlements across 38 municipalities in Italy. These settlements house over 10,000 individuals, with approximately 30% being asylum seekers and refugees, many of whom are under various forms of international protection. The report highlighted that the absence of basic services severely hampers social, health, and integration interventions. Migrants, seen as outsiders, face severe exploitation and lack social support. Spatial and housing segregation intensify these issues, worsening living and working conditions for entire communities (ANCI, 2022).

Among the victims of exploitation, a significant portion are unaccompanied minors who have arrived in Italy by sea. These minors are most frequently hosted in southern Italy, including Sicily (Consoli, 2017; De Felice, 2020). Previously, most minors identified as survivors were adolescents aged 12-18 years, but since 2014, the recorded age has progressively dropped below 14 years (IOM, 2017). This trend is confirmed by data from Save the Children (SC) in 2023. Besides sexual exploitation, as seen with Nigerian unaccompanied minors, children also face forced labor in agriculture.

According to SC (2021, 2023), in Latina, children as young as 10-13 years old work in agricultural sectors, including packing fruits and vegetables or spraying pesticides without proper protection. In Ragusa, minors are involved in various agricultural tasks, including harvesting and packing produce. Many of these children come from immigrant families, with parents holding international protection statuses, and work under extremely harsh conditions.

Justification for the Research and Added Value

Most researchers agree that relationship between asylum policies and human trafficking exists, but still its nature remains unclear and insufficiently studied. Similarly, Koser (2000) noted: "Few would disagree that links exist (...) many would disagree on the exact nature".

The primary inspiration for the form and progression of my research was the work of Waite, Lewis, Dwyer, and Hodkinson (2015). The researchers presented new empirical evidence on how ARs are driven into forced labor in the UK.

¹⁵ "Braccianti" are agricultural laborers who typically work on a seasonal or temporary basis, often under precarious conditions. They are frequently employed in manual labor tasks such as planting, tending, and harvesting crops. The term is commonly used in Italy to describe migrant workers involved in agricultural labor, many of whom are subjected to labor exploitation and caporalato (illegal recruitment practices).

The main conclusion of their work is that there is a connection between forced labor and asylum policy. The exploitation of ARs living in the UK is caused and sustained by exclusionary immigration policies, which are intertwined with the broader picture of modern slavery produced by the neoliberal globalization of labor.

My research findings align with these conclusions, affirming the existence of this connection, but they narrow the focus to specific elements of asylum policies. Following a systematic review, I focused on the relationship between asylum procedures and forced labor among ARs. This decision was informed by the review findings, which revealed a considerable body of research examining broader perspectives such as asylum systems and migration policies, globalization, and neoliberalism. The motivation for this research arose from the paucity of studies focusing on specific aspects of the asylum system. In addition to the discussion initiated by Waite et al. (2015), I contribute evidence from the Italian context, underscoring the importance of particular asylum procedures rather than the overall immigration policy.

Addressing this issue is particularly important given the tightening of asylum systems and anti-human trafficking measures. Additionally, the increasing number of individuals exploited or at risk of exploitation, who are also applicants for or recipients of international protection, further motivates this research. Moreover, in Italy, no studies have considered the perspective of the anti-human trafficking network, which works with both survivors of trafficking and ARs. This research fills that gap by integrating the perspectives of stakeholders directly involved in asylum and anti-human trafficking systems.

The approach taken in this dissertation is significant for the fields of social sciences, political and administrative studies for several reasons. First, my work offers a novel approach to examining the relationships between specific elements of the international protection system, particularly asylum procedures. I adopt the perspective of a European host country, rather than the more commonly studied countries of origin and transit. Furthermore, the outcome of this research is an original grounded theory, which includes the developed concept of a "safe host country". Additionally, this dissertation discusses asylum procedures in the context of *structural injustice* for the first time, arguing that such injustices are avoidable.

Methodologically, this work offers a rare combination of a systematic review as a quantitative component within a mixed-methods approach. Systematic reviews are still seldom used in political science, highlighting the innovation of this study. Additionally, I expand the range of tools in Refugee Studies by utilizing smaller focus groups. I also demonstrate the usefulness of grounded theory (and its constructivist interpretation) in political science research. An added value of this work is the presentation of the evolution of codes and memos within grounded theory.

This research project, with its adaptable structure, can be transferred to other host countries, regardless of the scale of the problem. The goals and added value of this work possess both social and interventionist dimensions.

The findings have facilitated the development of recommendations and the foundation of a *theory of change* (ToC)¹⁶. These can be utilized by diverse stakeholders, like international agencies working for refugees and in advocacy against human trafficking and forced labor. The research and proposed actions align with UN/EU priorities for combating human trafficking and modern slavery, as well as developing effective instruments for migration governance and integration in host countries.

Structure of the dissertation

Following the introduction, in the first chapter I present the methodological framework, providing a detailed description of each research stage within the adopted mixed-methods approach. The chapter begins with a justification and explanation of the mixed-methods approach, followed by a rationale for selecting grounded theory. Subsequently, I describe the process of conducting a systematic review, supplemented by Appendices X and Y. I then detail the process of conducting focus groups, leading into a subsection on data analysis methods. In this section, I present the evolution of my memos and codes within grounded theory and the use of thematic analysis. The chapter concludes with a description of the research limitations.

In the second chapter, I present a two-phase systematic review concerning asylum and migration policies and forced labor among ARs. The review had two primary aims: to systematically map the database on forced labor of ARs, identifying its key features, scope, gaps, strengths, and weaknesses; and to synthesize key research studies. The systematic review served as a critical tool for evidence-based recommendations and determined the direction for subsequent research stages. This chapter includes an introduction, a discussion of the results, and a conclusion.

In the third chapter, I examine the implementation and effectiveness of asylum procedures in Italy. This chapter assesses the stages of access to procedures, registration, identification processes, and the governance of two levels of reception conditions. The primary objective is to evaluate how these procedures align with The Directive on Asylum Procedures and to identify associated challenges.

Each subsection concludes by pinpointing specific challenges that arise in meeting the directive's provisions and in protecting refugees. The analysis is framed around the three goals of the Directive: ensuring effective access to procedures, guaranteeing proper administration of procedures, and ensuring the right to appeal (EASO, 2018).

¹⁶ A ToC is a method that explains how specific interventions are expected to lead to desired social changes. Essential principles for developing a ToC include evidence-based revisions and a focus on benefiting the most vulnerable and marginalized individuals in society. A ToC can be viewed as a tool for creating solutions to intricate social issues (Romão et al., 2023). A theory of change has particular application in the humanitarian sector and can also serve as a starting point for other stakeholders, such as NGOs, local authorities, and policymakers. This approach is especially useful for practitioners as it helps in planning, implementing, and evaluating their interventions (UN, 2016; IRC, 2024).

This chapter employs qualitative thematic analysis of secondary data to identify recurring themes and obstacles in the implementation of these procedures. The chapter includes an introduction, a discussion of the results, and a conclusion.

In the fourth chapter, I present the empirical results of data collected through seven focus groups conducted in Italy during 2021 and 2022. By applying a mixed methods approach and grounded theory, I developed theoretical categories that characterize the relationships within the asylum procedures. Utilizing a specified coding paradigm and the principles of grounded theory, I identified two key areas: categories of protection through asylum procedures and categories of exposure through asylum procedures. I adjusted the structure of the chapter to fit the specified categories, capturing the dual nature of the procedures. This chapter includes an introduction, a discussion of the results, and a conclusion.

In the subsequent fifth chapter, I discuss the data collected for this dissertation, addressing the central research questions: what is the relationship between asylum procedures and forced labor among asylum seekers and refugees in Italy? To what extent can these procedures mitigate or exacerbate the issue? I categorize the findings into two groups: elements of asylum procedures that expose ARs to forced labor and components that protect them. I frame the results within the theory of *structural injustice* (SI) by Iris Marion Young. My goal is to examine whether classical SI or its new interpretations apply to asylum procedures and forced labor. I briefly present the key assumptions of the theory, drawing primarily on the works of Young and McKeown. I also include an interpretation by Parekh, which highlights the structurally unjust nature of the asylum system. In the final part of the discussion, I use the data results and theoretical framework to create a grounded theory, introducing the concept of a "safe host country".

The epilogue summarizes the research findings, the achieved goals, and provides recommendations for further research. The conclusions also include a foundation for a theory of change, which can be used by practitioners and policymakers.

2. Methodology

2.1. Introduction

Most research combining studies on forced labor among asylum seekers and asylum policies adopts a qualitative approach. This finding is confirmed by the results of a systematic review presented in the third chapter. In this review, I demonstrated a need for more rigorous, quantitative, and mixed methods research in this area. The research in this dissertation is exploratory in nature¹⁷. I have chosen a mixed-methods approach, utilizing a sequential explanatory design¹⁸. In accordance with grounded theory, the conceptual framework was continuously refined throughout the study.

In this chapter, I present the adopted research strategy, along with its objectives and key components. These include the use of a mixed methods approach and grounded theory, descriptions of the systematic review method, the application of focus groups, and qualitative data analysis. The latter relied on thematic analysis, employing qualitative coding and MAXQDA software. Few studies document the evolution of codes and memos within GT (Corbin, 2014). Therefore, in this work, I also provide examples of code development during data analysis. These examples allow for capturing the research process step by step.

In this study, I indirectly addressed both a *hard-to-reach* population (ARs) and a *hard-to-reach* topic (forced labour). Thus, in this chapter I also discuss the limitations, ethical considerations, and the principal stages of the research conducted.

2.2. Research Problems, Aims and Research Questions

This study aims to explore the relationship between asylum procedures and the forced labor among asylum seekers and refugees in Italy¹⁹. I examined whether and to what extent asylum procedures and their implementation relate to the problem of forced labour among ARs²⁰.

The research covered the years from 2015 till 2022. The main aims were:

1. To systematically map the database on forced labour of ARs and its relationship to the asylum and migration policy in a host state.
2. To synthesize key research studies, through a two-phase systematic review.

¹⁷ Exploratory research is a methodology approach that investigates research questions that have not been extensively examined before.

¹⁸ In Appendix 5, I include a proposal for a quantitative survey that can serve as a necessary tool for triangulating the data obtained in this dissertation. It may allow for further scientific explorations and deepening of the conclusions presented.

¹⁹ The research problem posed in this way indicates that the dependent variable was the occurrence of forced labor, including its various forms (severe labour exploitation, *caporalato* (illegal intermediation and exploitation of labour, forced labour, together with commercial sexual exploitation, trafficking in human beings for the purposes of exploitation and forced labour). The independent variables were the asylum procedures at four identified stages: access to the procedures and registration procedures, identification procedures, and procedures at the two levels of reception.

²⁰ The main research problems were the asylum procedures and their implementation in Italy, and the problem of forced labour among ARs.

3. To explore the relationship between asylum procedures, their implementation, and a forced labour among ARs, in Italy.
4. To review and analyze asylum procedures to assess how far they may reduce or facilitate the problem of forced labour of ARs.
5. To analyze the asylum procedures and the forced labour through the theory of *structural injustice*.
6. To develop a grounded substantive theory about the relationship between asylum procedures and forced labour of ARs.
7. To create a theory of change, in the context of asylum procedures and forced labour.

Main research questions:

- What is the overall state of the empirical evidence base on the scale and nature of forced labor of ARs and its relationship to the asylum and migration policy in a host state?
- What can we learn from key research findings on the scale and nature of forced labor of ARs and its relationship to asylum and migration policy in a host state?
- What is the relationship between the asylum procedures and forced labour among ARs in Italy?
- How far the asylum procedures and their execution may reduce/facilitate the forced labour among ARs in the host state (Italy)?
- What solutions need to be implemented for change?
- How is the theory of *structural injustice* applicable in the context of the asylum procedures and the problem of forced labour? .

In this work, I utilize grounded theory. Consistent with this approach, I do not propose any pre-defined hypotheses. The GT is rather inductive, meaning that it builds theories from the ground up by collecting data without preconceived theories or hypotheses (Corbin and Strauss, 2014; Charmaz, 2014). This approach allows patterns and theories to emerge naturally from the data rather than testing pre-existing hypotheses. Grounded theory emphasizes flexibility and openness to data, which allowed me to be sensitive to the data as they emerged. This was of particular importance given the exploratory nature of this study. The iterative process of grounded theory is also well-suited for handling the ambiguity and complexity inherent in migration processes and the evolving regulatory landscape, allowing for the continuous refinement of theories and the development of practical, context-specific recommendations²¹.

²¹ This approach is particularly applicable in a VUCA (Volatility, Uncertainty, Complexity, Ambiguity) environment. The flexibility and inductive nature of grounded theory align well with the VUCA framework, as they allow for the adaptability needed to respond to rapidly changing and uncertain conditions.

2.3. Mixed Method Approach and Grounded Theory

“A mixed method way of thinking actively engages with difference and diversity” (Greene, 2005, p. 2018). The mixed methods approach proves especially valuable in exploring new or less-studied phenomena, providing "multiple ways of seeing and hearing" (Greene, 2007, p. 20).

There are over 40 identified ways to apply mixed methods approaches (Tashakkori and Teddlie, 2010; Ivankova et al., 2006). The most popular classification was provided by Creswell et al. (2003, 2018). Utilizing the framework of Creswell et al. (2003, 2018), my research employs a sequential explanatory design based on mixed methods. This approach begins with a quantitative method, specifically a systematic review, followed by the application of qualitative methods in subsequent phases of the study. This methodology is commonly used in the social sciences (Ivankova et al., 2006).

In this explanatory model, priority is typically given to the quantitative approach due to its primary position in the sequence. However, depending on the research objectives and the scope of the questions, the qualitative component can also be prioritized (Morgan, 1998; Ivankova et al., 2006). Given the exploratory nature of this research, I have placed greater emphasis on qualitative methods, primarily focusing on data from focus groups and their subsequent analysis. The quantitative component, which initiated the research, is the systematic review included in the third chapter²². The Table 1 presents the implementation of an exploratory sequential design.

²² I acknowledge that using a systematic review is not the most common approach in a sequential explanatory design. Typically, it is suggested to use survey results, which are then triangulated through qualitative research. Often, the purpose of the qualitative phase is to deepen and interpret statistical results. In my case, the systematic review facilitated changes in research aims and questions and helped construct question protocols for further qualitative research.

Table 1. *Exploratory sequential design as implemented in this thesis*

STEP 1	<p>Design and implement quantitative component (two-phase systematic review)</p> <ul style="list-style-type: none"> • Decide on aims and questions of quantitative component • Develop, translate, and pilot data collection tools (search strategy of the review) • Identify sample and inclusion, exclusion and eligibility criteria for systematic map and the synthesis • Collect data from the 10 selected databases and manual search from identified journals, and bibliographies • Conduct pre-analysis of collected data, on the basis of PRISMA guidelines • Analyze the data
STEP 2	<p>Use preliminary results gathered through quantitative component to inform qualitative component</p> <ul style="list-style-type: none"> • Integrate preliminary results to refine conceptual model, research aims and questions • Decide on variables to be measured and pathways to be explored through qualitative methods
STEP 3	<p>Implement qualitative component</p> <ul style="list-style-type: none"> • Identify the sample for the qualitative component • Develop, translate, and pilot the qualitative methods, following the results of systematic review and theoretical coding • Conduct 7 focus groups in Italy, with anti-trafficking system representatives, using established protocols • Conduct qualitative analysis, using grounded theory and qualitative coding with MAXQDA • Formulate the results
STEP 4	<p>Interpret the combined results</p> <ul style="list-style-type: none"> • Summarize and interpret the quantitative and qualitative results • Use the results, to discuss it within the <i>structural injustice theory</i> • Use the results to formulate the grounded theory of <i>safe host country</i> • Use the results to discuss implications for policy, practice, and future research

Source: own elaboration, adapted from Creswell and Clark (2018) and Sim (2018).

Following the sequential explanatory design in this dissertation, the quantitative and qualitative phases are merged at the intermediate stage (Ivankova et al., 2006). Hence, the findings from the analysis of the first component inform and direct the data collection in the second phase²³.

²³ In a sequential explanatory design, usually two phases are combined, selecting participants for complementary qualitative analysis based on quantitative results from the first phase (Creswell et al., 2003).

The connecting points included: narrowing the research objective, focusing the research questions, and developing interview protocols to gather qualitative data. In the *Discussion* section, I merged the findings from both study phases to address the research questions and deepen understanding of the research problem²⁴. The integration of research phases is central to the approach of grounded theory (GT), which relies on staying closely connected to the data²⁵. This involves the simultaneous collection and analysis of data, recognizing the interdependence of different research stages (Charmaz, 2005). As Charmaz (2005) stated, "As proponents of GT, we first conduct an analysis that facilitates subsequent data collection" (p. 511).

In this study, the objectives and selected methods most closely resonate with constructivist grounded theory (CGT) (Charmaz, 1990, 2000, 2003; Clarke, 2005, 2019). However, I do not entirely dismiss the post-positivist interpretations of GT derived from Glaser and Strauss (1967) or later from Strauss and Corbin (1990, 1998). In keeping with GT principles, I am guided by the emergence, constant comparison, and evaluation of categories and so-called sensitizing concepts, which require continual refinement. Moreover, this research does not aim to develop formal theories that explain reality in a universal manner.

The research conducted does not concentrate on the "human factor" influencing social structure, nor does it exclusively investigate how participants in the study ascribe meanings, an approach that would align closely with CGT. Nevertheless, the utilization of this approach proved beneficial for several reasons:

- As Charmaz (2005) notes, GT and CGT are particularly useful for exploring the broad concept of social justice²⁶. The critical stance and flexibility regarding social justice, coupled with the analytical nature of GT, enhance and sharpen a researcher's scope. GT also provides tools for analyzing data in a way that elevates the research beyond mere description, "without detaching it from its empirical reality" (ibid., 2005, p. 709). Additionally, CGT facilitates the integration of theoretical assertions concerning the conditions under which justice (or injustice) evolves, changes, and endures.
- This theory becomes especially significant in studies of ARs environments and captures a diversity of realities. The study addresses complex and sensitive issues such as forced labor and its connection to asylum procedures. CGT, emphasizing how individuals and groups construct experiences and processes, permits a nuanced examination of these complex phenomena. The focus of CGT on co-constructed meanings and realities aids in revealing how different stakeholders understand, implement, and experience asylum procedures.
- The GT justifies the adoption of a non-probabilistic purposive research sample.

²⁴ The objective was therefore not the triangulation of quantitative and qualitative data. Walsh (2015) emphasizes the role of integrating mixed approaches that go beyond simple triangulation. As she points out, the goal does not always have to be to test or improve upon previously found results. Rather, it can be to expand our understanding of a phenomenon and to strengthen the scope of the emerging theory.

²⁵ The term 'grounded theory' may refer both to research methods and the outcome of research. It is most commonly used to indicate a specific way of analysis.

²⁶ Charmaz refers to Rawls (1967) and Nussbaum (2000) in her discussions. In the final stage of interpreting the research results, I found the theory of structural injustice by Iris Marion Young most useful. See more in the 'Discussion' chapter.

- Additionally, applying this approach allowed for a focus on extensive memos and a dense description of focus groups (FGs). Following the ethos of grounded theory (both constructivist and traditional), I operated under the assumption that "all is data". I also used a GT-compatible coding method, employing both initial and focused coding techniques (Charmaz, 2006; Clarke, 2005, Clarke et al., 2019; Bryant and Charmaz, 2019).

The GT is most commonly associated with qualitative approaches. However, the utility of incorporating quantitative components into GT has been recognized²⁷. "For grounded theorists, using both qualitative and quantitative data opens a vast realm of additional empirical possibilities for generating theory" (Holton and Walsh, 2017, p. 11).

Creamer (2021) drew attention to the need to create an intellectual framework for combining the mixed methods approach and grounded theory. She proposed the *Mixed Method Grounded Theory Methodology* (MM-GTM), which can serve both as a method and a methodology²⁸. In doing so, following Creswell et al. (2006), she also emphasizes the importance of qualitative research in the mixed methods approach. "Qualitative research can be prominent in mixed methods research rather than compromised by it" (Creswell et al., 2006, p. 1). Her work was highly beneficial for understanding the application of GT in the mixed approach. However, MM-GTM does not form the methodological backbone of this work. One reason is that in the MM-GTM approach, the primary goal is largely to build a mid-level theoretical framework. In the case of my work, the goal was to create a substantive theory, following the GT approach²⁹.

In grounded theory, the extent to which researchers allow pre-existing knowledge to influence their analysis varies significantly. Traditional theorists like Glaser and Strauss (1978) advocate for approaching research with minimal preconceptions to allow theories to emerge purely from the data. They emphasize the importance of starting research with an "empty" mind to prevent theoretical bias. Conversely, constructivist theorists such as Charmaz (2006, 2014) argue that researchers naturally bring their own perspectives and experiences to their studies, which inevitably affect the analysis. Charmaz (2014) supports the recognition of these biases, suggesting that such acknowledgment enhances the research by reflecting on how personal and cultural experiences shape data interpretation.

In this work, I acknowledge the influence of the researcher's existing knowledge and experiences on constructing grounded theory and conducting research. Therefore, the application of the systematic review method and the evaluation of existing knowledge do not preclude working within a GT approach. Moreover, it gives the research a more analytical character, not only indicating what has been said in the research area but also the quality of evidence used.

²⁷ Howell Smith et al. (2019) conducted a systematic review of doctoral dissertations featuring the terms "grounded theory" and "mixed methods". Their findings indicated that these methodologies have been combined in doctoral research for an extended period. They identified 482 dissertations, averaging 48 annually from 2011 to 2017.

²⁸ Mixed method grounded theory methodology (MM-GTM) "is a methodology that embeds a dialectical logic in the constant comparative method and grounded theory procedures to develop a mid-level theoretical framework or to elaborate an existing one" (Creamer, 2022, p. 29).

²⁹ Substantive theories are context-specific; mid-level theories have a broader application across multiple contexts (Creswell et al., 2003).

2.4. Methods

2.4.1. Data collection methods

Systematic Review

The integration of GT with systematic reviews is not commonly practiced. However, some studies have proven that these approaches can be successfully integrated. The study by Bowers and Creamer (2020) demonstrates that while SRs are typically quantitative and focus on synthesis, the incorporation of GT facilitates the generation of new theories from existing data, thereby enriching the analysis and findings. GT's iterative coding, constant comparison, and theoretical sampling provide a structured yet flexible approach that complements systematic reviews³⁰.

In the collective work by Gough et al. (2013), a systematic review is defined as "a review of research literature using systematic and explicit, accountable methods." As Oakley (2011) humorously remarks, "systematic reviewing is not the best way to make friends"³¹. Embedded within a social context, it aims to critically assess the compiled and published evidence. This assessment helps determine whether what is considered knowledge truly reflects what we know.

Systematic reviews are vital as they compile and synthesize findings from multiple studies, addressing the limitations of individual research that may be susceptible to fallibility due to design, conduct, or reporting issues. These reviews provide a comprehensive overview across various settings and contexts and offer valuable insights into existing knowledge gaps. Such consolidation is increasingly important in an era where keeping abreast of all relevant studies is challenging and subject to potential biases.

Key reasons for conducting systematic reviews include: 1) mitigating the inherent limitations of single studies, 2) broadening the relevance beyond the narrow scope of individual studies, 3) establishing a robust evidence base, 4) simplifying the task of staying updated with the literature, 5) contextualizing the findings of new research, and 6) preventing unnecessary or unethical subsequent research (Gough et al., 2013).

„At its heart, systematic reviewing is a tool of democracy. It exposes the policy-making process and the work of professionals and others to the standard of good evidence, and it opens up to public scrutiny the ‘academic’ business of collecting and analysing research” (Oakley, 2011, p. 7).

³⁰ This methodology aligns with the constructivist perspective by using researcher ‘biases’ to deepen data interpretation, effectively bridging the gap between theory and empirical evidence.

³¹ In 1959, Barbara Wootton's systematic review on anti-social behavior criticized the reliability of studies used for policy-making due to their poor quality, provoking outrage among researchers and practitioners whose work was scrutinized (Wootton, 1959; Oakley 2011).

The two-phase systematic review served as the quantitative component of this study, providing a structured and rigorous method for collecting and analyzing existing data. It informed the subsequent qualitative phase, refining the conceptual model, research aims, and questions, ensuring a coherent research design aligned with grounded theory principles. This approach enabled the mapping, synthesis, and assessment of evidence quality in existing studies. It also allowed this dissertation to avoid the methodological flaws identified in prior research.

The systematic review in this research had two aims: (1) to systematically map the database on forced labor of asylum seekers and refugees, identifying its key features, scope, gaps, strengths, and weaknesses, (2) to synthesize key research studies. The review addresses two main questions, based on PICO/PEO approach³².

1. What is the overall state of the empirical evidence base on the scale and nature of forced labor (O) of asylum seekers and refugees (P) and its relationship to the asylum and migration policy in a host state (E)? (*Systematic map*)
2. What can we learn from key research findings on the scale and nature of forced labor (O) of asylum seekers and refugees (P) and its relationship to asylum and migration policy in a host state (E)? (*Synthesis*)

My review adhered to the Preferred Reporting Items for Systematic Review and Meta-analysis Protocols (PRISMA-P 2020) guidelines (see Appendix 1). Following these recommendations, *prior* to the review I created a systematic review protocol (see Appendix 2). Ethics Committee approval was not required. The review was registered in the PROSPERO database³³.

Search Strategy

Given these aims, I've searched 10 databases: SCOPUS, Web of Science, ASSIA (Applied Social Sciences Index and Abstracts), IBSS (International Bibliography of the Social Sciences), NCJRS (National Criminal Justice Reference System) Abstracts Database, Continental Europe Database, Criminal Justice Database, Springer Journals Database, JSTOR, Proquest. I've also conducted a manual search of selected journals that cover human trafficking and refugee studies but were not (fully) indexed in these databases. These were: *Journal of Refugee Studies*, *Forced Migration Review* (due to high citation rate).

³² PICO stands for Population, Intervention, Comparison, and Outcomes, and is typically used for quantitative research. PEO, which stands for Population, Exposure, and Outcomes, is used for qualitative research inquiries. These frameworks help in defining the scope of the study and in developing systematic search strategies for literature reviews.

³³ During doctoral studies, based on the chapter presenting the systematic review, I have submitted and published a scientific article as main author in the prestigious scientific journal - *Journal of Human Trafficking*. Szulc and Szymaniak (2023). "Asylum Policies and Forced Labour among Asylum Seekers and Refugees: The Results of a Two-Phase Systematic Review". *Journal of Human Trafficking*. Published online.

In addition, I've searched the contents of the main bibliographies and footnotes in the synthesized publications. The grey literature³⁴ is not considered in the review. I do realize that data with sensitive populations is often kept in gray literature; however, I've decided to subordinate the research questions of the review exclusively to the peer-reviewed and scholarly literature.

The goal was to illustrate what relationship forced labor, asylum policy, and ARs, emerges precisely in the research debate and considered several arguments for not including *grey literature*. Firstly, gray literature may not have undergone the same rigorous scrutiny as peer-reviewed works, raising questions about its quality and reliability. Additionally, the potential for bias is a concern, given that such data often emanates from organizations with specific vested interests, potentially affecting its objectivity. Moreover, the accessibility of gray literature poses challenges, as it may not be indexed or readily available in the same manner as peer-reviewed publications.

Inclusion criteria were publication date (between 2015 – 2021); accessibility (full text accessible); broad relevance (addresses modern day labour exploitation/forced labour and uses data generated from 2000 onwards); specificity (contains material specifically about forced labour of asylum seekers and refugees); language (English); empirical data (must contain empirical data). I selected the 2015–2021-time frame due to relevance, currency, and data accessibility. Post-2015, amidst the so-called migration crisis, attention to ARs vulnerability in host countries surged, exposing data inadequacies.

This potential hindrance to solution development prompted efforts for better data availability. Concurrently, the six-year publication span captures problem currency, tracking policy shifts, identifying key issues, and enhancing applicability for practitioners and policymakers. The final key words used were: (*asylum seeker* OR refugee**) AND (*forced labour OR exploitation OR sexual exploitation OR labour exploitation OR human trafficking OR slavery*). Detailed search terms are included in Appendix 2. .

Analysis

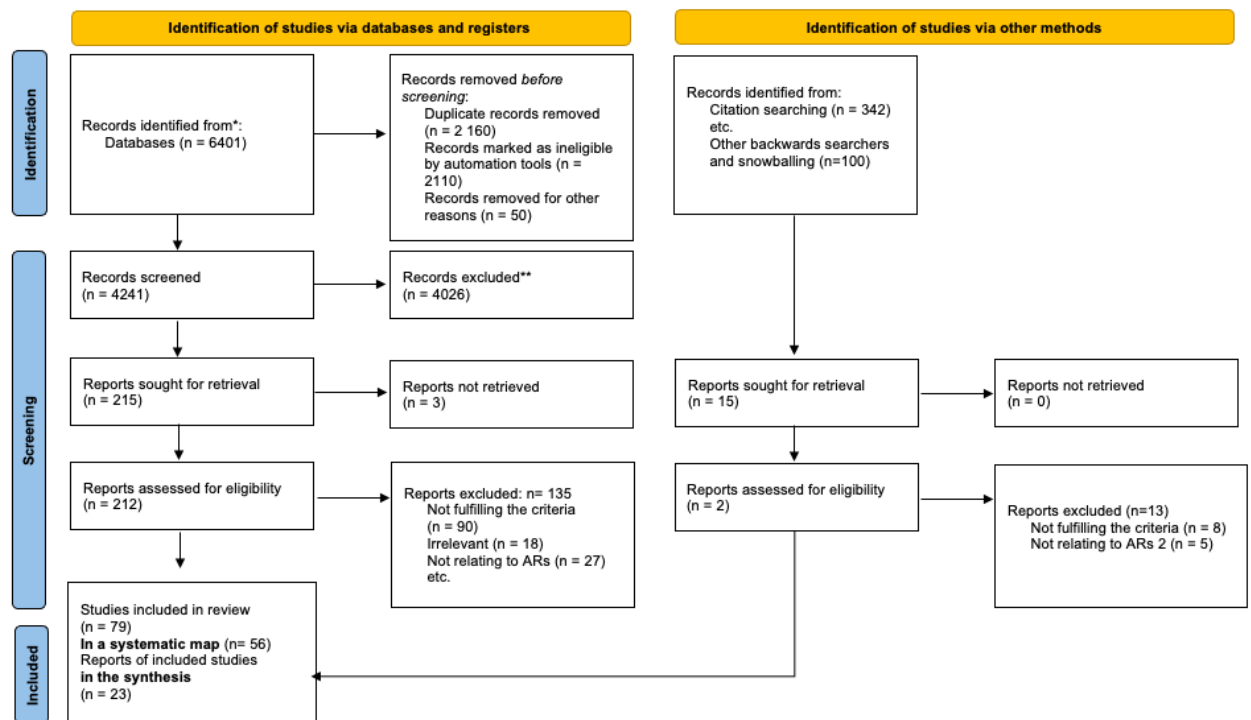
For text analysis, I applied qualitative coding using MAXQDA software. I relied mainly on the thematic analysis method (explained later). It was used to identify common findings and main conclusions. I conducted a standard analysis process, considering familiarization, coding, generating, and defining themes, and writing up. This review follows a data-based convergent synthesis design. It combines mixed, quantitative, and qualitative approaches that are integrated throughout the analysis (Essex et al., 2022, after: Noyes et al., 2019).

Figure 2 shows the flow of papers through the review. The initial search yielded 6843 results. After removing duplicates and studies irrelevant to the stated objectives, 215 results remained. Of these, I accessed 212 full texts of publications.

³⁴ *Grey literature* is understood here as: literature stored in informal areas, not controlled by commercial publishing organizations. These can be internal reports, working papers, newsletters, etc. (Adams et al., 2016).

After full text screening and evaluation of inclusion criteria I qualified 73 for the next two stages. I rejected 141 of the papers, because they did not contain empirical data, they did not address the relationship of asylum systems to forced labor, or they did not address the situation of ARs in host states. I evaluated 73 of these publications through the *Quality Assessment Tool*. The systematic map ($n = 51$) included those that did not score above 50% (first phase). I decided to synthesize only a subset of publications. Therefore, 22 of the papers that scored above 50% in the evaluation were referred for synthesis (second phase).

Figure 2. The PRISMA 2020 Flow Diagram for new systematic reviews. Two-phase systematic review



Source: own elaboration, based on: PRISMA 2020 flow diagram for new systematic reviews which included searches of database, registers and other sources

Phase 1: The Systematic Map³⁵. Conducting a systematic map fulfils PRISMA's premise of identifying studies that potentially could have been included in the synthesis but did not fulfill the inclusion criteria. I chose a two-phase approach because it allowed for a broader literature identification in a rarely addressed field. Also, it reinforced information on synthesis direction. I mapped the papers using the data extraction form (Table 2). I then synthesized a subgroup of studies from the map and narrowed down the review criteria to carry out an in-depth synthesis.

³⁵The main objectives of systematic mapping are to describe the nature of a research field, to inform the conduct of the synthesis and to interpret and ground the results of the synthesis (Gough & Thomas, 2016).

Phase 2: The Detailed Synthesis. This stage focused on the methodological quality of the included papers. It also considers the main conclusions and findings. Table 3 contains the narrowed criteria. In the synthesis process, I analysed the studies using the Quality Assessment Tool (Table 4) and the criteria outlined in Table 3 (see also Appendix 2).

Table 2. Coding Framework for the Systematic Map

Coding Framework for the Systematic Map	
Category of interest.	Variable(s) coded
Identifying data	<ul style="list-style-type: none"> • Unique identifying code • Title of publication • Name of author(s)
Date of publication	<ul style="list-style-type: none"> • Year of publication
Authorship	<ul style="list-style-type: none"> • Affiliation of first or only author (e.g. academia, non-governmental organization)
Format of publication	<ul style="list-style-type: none"> • Mode of publication (e.g., journal article, monographs)
Source of publication	<ul style="list-style-type: none"> • Through which search strategy was this publication located (e.g., SCOPUS, journal searches)
Type of enquiry	<ul style="list-style-type: none"> • Research design (qualitative, quantitative, mixed methods) • Type(s) of enquiry involved (e.g., systematic review, evaluation).
Geographical coverage	<ul style="list-style-type: none"> • Single or multiple country enquiry • If made explicit, the total number and list of countries included in the research (as sources of primary or secondary data)
Focus of publication	<ul style="list-style-type: none"> • On which aspects to forced labour of ARs empirical information was provided and what was its relation to asylum and migration policy.

Source: Own compilation based on Cockbain et al. (2018)

Table 3. Coding Framework for the Synthesis

Coding Framework for the Synthesis	
Category of interest	Variable(s) coded
Focus	<ul style="list-style-type: none"> ▪ What was the hypothesis, research question(s) or statement of intent?
Methods	<ul style="list-style-type: none"> ▪ Study design (e.g., interviews, surveys, experiments) ▪ Primary and/or secondary data ▪ Unit(s) of analysis ▪ Sampling method ▪ Sample size ▪ Characteristics of participants ▪ The specific sub-sectors of labour trafficking, if any, that were covered in the study
Definition	<ul style="list-style-type: none"> ▪ Study definition of forced labour/ labour exploitation/trafficking
Key findings, conclusions, and recommendations	<ul style="list-style-type: none"> ▪ Key findings ▪ Main conclusions ▪ Any recommendations made for a) researching and b) response

Source: Own design based on Cockbain et al. (2018)

Table 4. Certainty & Quality Assessment Tool

Certainty & Quality Assessment Tool	
Question	Score
Does the study have a clear, explicit, and feasible research question(s) or statement of intent(s)	Each question scored as follows: 0= Publication does not meet the criterion and/or does not contain sufficient information to assess whether it meets the criterion at all 1= Publication partially meets the criterion and/or only contains information permitting a partial assessment of whether it meets the criteria 2= Publication fully meets the criterion
Is the overall study design clear and appropriate?	
Have ethical considerations been explicitly discussed and properly managed?	
Is the sampling method explicit and appropriate?	
Is the sample itself adequate?	
Is the analytical procedure transparent and appropriate?	
Are the results clear and precise?	
Are limitations identified and accounted for?	
Are the conclusions properly grounded in the results?	

Source: Adapted from Cockbain *et al.* (2018) and Oram *et al.* (2012).

Focus Groups

Focus groups are defined as “a research technique that gathers data through group interactions on topics specified by the researcher” (Morgan, 1998, p. 130). This “inherently social” method convenes individuals to discuss a series of questions, facilitated by a moderator who guides the conversation (Cyr, 2019). I found focus groups particularly effective in my research agenda because they are a convenient tool for exploring new, sensitive topics and studying the situation of vulnerable populations (Nyumba et al., 2018).

The primary advantages of focus groups include their social nature and the data generated through emic processes, which emphasize the perspectives of the participants over those of the researcher. The emic approach is often juxtaposed with etic research (Cyr, 2019). The former gathers data from the subject's viewpoint, drawing on patterns and categories that are relevant to the selected group (Lett, 1990; as cited in Cyr, 2019). In contrast, etic research focuses on a set of previously developed theories and concepts, testing their applicability to a particular group, thus privileging the hypotheses and perspective of the researcher (Krippendorff, 2004; Cyr and Wallace Goodman, 2024). The emic approach aligns more closely with GT.

Moreover, focus group participants enjoy considerable freedom in responding (Cyr, 2019; Stewart and Shamdasani, 2009). Scholars such as Morgan and Krueger (1993), Barbour (2008) and others have noted that focus groups generate "rich experiential information" and reveal a broad range of perspectives through focused conversations (Morgan, 1996; Smithson, 2000; Cyr and Wallace Goodman, 2024).

Cyr (2019), whose work was particularly helpful to me in designing and conducting focus groups, notes that focus groups are still not frequently used as a qualitative method in political science. However, many researchers highlight their usefulness in discussing "difficult and controversial issues" (Cyr, 2016; Cyr, 2019; Barbour, 2008). Frisina (2018) suggests that, particularly in migration research, focus groups can serve as a form of "public thinking," useful for discussing controversial topics.

The decision to use FGs aligns closely with the guidelines outlined by Cyr (2019) on the effective use of focus groups in specific research contexts. Firstly, the intersection of asylum procedures and forced labor is relatively underexplored in current academic discourse (Kidd and Parshall, 2000).

Focus groups are particularly suited to uncovering nuanced insights in areas that lack extensive prior research. Secondly, the subject matter involves "sensitive or taboo" topics related to "vulnerable groups" (Liamputtong, 2011). The use of focus groups here is advantageous, as they provide a safe environment where participants can openly discuss their experiences and perceptions. As stated by Liamputtong (2011), “they create layers of communication and, therefore, provide respondents with a safe environment where they can articulate their experiences, opinions, and beliefs in the company of people who share similar experiences and hold similar beliefs” (ibid., 2011, p. 110; as cited by Cyr, 2019).

Lastly, the phenomena under investigation, such as 'asylum' and 'forced labor', are not only legally defined but also culturally and socially constructed. Focus groups enable a deeper understanding of these social constructs, facilitating a more comprehensive analysis of the issues at hand (Cyr, 2019).

In this dissertation, focus groups are not the only method used. This is consistent with most methodologies in political and social sciences. A meta-analysis conducted on articles published between 2005 and 2014 in the leading two journals of political science and sociology showed that all of them used focus groups in combination with other methods (Cyr, 2016). A systematic review by Nyumba et al. (2018) identified major reporting gaps in focus group studies, noting that over half did not report sample or group sizes, and many omitted the number of sessions and the rationale for using the method. Guided by the need for more rigorous methodological reporting, this study includes all of this information.

In the course of this research, I conducted seven focus groups. I personally moderated them, in Italy while on a research fellowship at Sapienza University in Rome. The FGs were conducted in Italian and held online. The decision to conduct them virtually was an adaptation to the constraints imposed by the COVID-19 pandemic³⁶.

The first of the focus groups provided an opportunity to test the questions and refine them for the subsequent six groups. The emic nature of the method also allowed for an understanding of "how" participants discuss the phenomena, enabling adjustments to the language used in later stages of the research. For instance, it was observed that the term „labor exploitation” (it. *sfruttamento lavorativo*) was more commonly used in everyday language than "forced labor". Participants, however, agreed with the definition I had adopted, which was presented at the beginning of each discussion. The insights from the first focus group informed the direction of theoretical sampling, allowing for the formulation of additional questions and, in some instances, refining them. This reflects Cyr's (2016, 2019) assertion that FGs allow researchers to adjust their inquiry based on participant feedback and interaction, enhancing the contextual relevance and richness of the collected data. The same questions were posed in the remaining six groups. The protocol is detailed in Appendix 4.

In this study, I employed a purposive, non-probabilistic sampling approach, selecting participants based on their involvement in both international protection and anti-trafficking systems across Italy. Before beginning data collection, I defined the sampling frame by identifying the actors to whom the research questions most pertinently relate (Cyr, 2019, Cyr and Wallace Goodman, 2024). Due to ethical considerations and constraints related to the pandemic, I decided at this stage not to include asylum seekers and refugees (ARs) in the study. Furthermore, this decision was driven by the exploratory nature of the research and the scope of the research questions.

³⁶ During the start of my year-long visit to Rome, there was a curfew starting at 6 PM, and initially, traveling was nearly impossible and later significantly restricted. Avoiding direct contact with respondents was also dictated by ethical considerations

ARs, as confirmed by the findings, do not always have access to knowledge about the asylum processes that shape their situation. The lack of information flow has been identified as one of the factors exposing them to the risk of forced labor.

The most important argument for not including ARs at this stage of the research was adhering to the principle of "do no harm" and avoiding the risk of retraumatizing survivors. However, I acknowledge that ARs should be included in subsequent stages of research, which could aim to trace their *journey* through various asylum stages and the experiences associated with them. Indeed, ARs should also be included in the subsequent stages of discussions regarding recommendations and the theory of change.

To obtain the most accurate information, I invited representatives from 20 anti-trafficking networks who were also engaged with the asylum system (for example, through participation in territorial commissions or activities supporting asylum seekers). This group is uniquely knowledgeable about both asylum procedures and forced labor among ARs. This is the only group that operates at the intersection of the asylum and anti-trafficking systems. Among the respondents were individuals who have shaped the anti-trafficking system in Italy, co-created national policies in this area, and developed the national referral system in the context of asylum and human trafficking. I contacted each of the units, facilitated by collaboration with the Veneto region and Numero Verde Anti-Tratta, which oversees the anti-trafficking network. The invitations were successfully delivered to all 20 units.

The study included 27 participants who met these criteria, from 15 different regions of Italy. The represented regions were Sicily, Calabria, Piedmont, Lazio, Basilicata, Trentino – Alto Adige, Emilia-Romagna, Lombardy, Sardinia, Campania, Abruzzo, Umbria, Tuscany, Veneto, and Friuli-Venezia Giulia. However, representatives from the smaller regions of Molise, Valle d'Aosta, Liguria, as well as Marche and Puglia, did not registered for FGs. Additionally, in the first focus group, representatives from the European Asylum Support Office (EASO), the United Nations High Commissioner for Refugees (UNHCR), and Save the Children participated. Their work in supporting refugees also addressed issues related to human trafficking and forced labor³⁷.

Table 5. *Focus Groups in Italy*

FG Number	Time of FG	Number of participants	Date
1.	1h 21 min	4	23.04.2021
2.	1h 14 min	4	21.06.2021
3.	1h 2 min	3	22.06.2021
4.	1h 38 min	4	22.06.2021
5.	59 min	3	23.06.2021
6.	1h 17 min	4	08.12.2021
7.	1h 19 min	5	09.12.2021

Source: own elaboration.

³⁷ One of the participants in the first panel was also responsible for creating the National Referral Mechanism.

The method employed in this study aimed to gather data from a purposely selected group of individuals rather than from a statistically representative sample of the broader population. As highlighted by Nyumba's et al. (2018) systematic review on the use of FGs in social science, the number of participants varied from 3 to 21, with an average of 10 individuals per group (Nyumba et al., 2018).

In this research, the largest focus group consisted of five individuals, while the smallest included three. The smaller number of participants allowed for more time to be dedicated to each question. This facilitated the development of dense data, enabled theoretical sampling, and allowed for continuous comparison of the categories that emerged from the data until saturation was reached.

Saturation occurred after the sixth focus group, and no new codes or categories emerged in the last session. When determining the number of focus groups needed, it is important to consider the research question and the specific makeup of the groups. Typically, conducting four to six focus groups will lead to data saturation, meaning additional groups are less likely to provide new, significant insights. Therefore, aiming for no more than six focus groups is a practical guideline (Morgan, 1996; Cyr, 2019).

FGs provide the opportunity to analyze results from three perspectives: individual, group, and interactional (Cyr, 2016). Researchers employing FGs note that the similarities among participants and the social nature of this method capture group synergy (Cyr, 2019). Given the purpose of the study and the selection of the sample, the results presented are from the perspective of anti-trafficking system representatives as a group.

Analyzing at the group level enabled assessment of whether a consensus existed regarding the relationship between asylum procedures and forced labor, what this meant for the group, and how representatives of the anti-trafficking system discussed this topic. Moreover, selecting participants from different regions of Italy for each FG allowed them to share experiences and explore potential differences and similarities in their work.

As one participant noted, "It's very important, not just from the perspective of the results you will collect for your research, but also for us. This meeting allows us to understand the differences, but also to recognize the good practices that exist among colleagues from other regions. We rarely meet, so it is both a pure and useful pleasure to be here" (FG05). As shown, focus groups also had an empowering aspect³⁸. According to Cyr (2016, 2019) and Liamputtong (2011), this is one of the most significant characteristics of this method.

³⁸ Researchers reaching for the group level of analysis usually use focus groups as the first stage of research for a more quantitative data collection instrument later (Cyr 2016). In this work, data from focus groups allowed for the creation of a quantitative tool, which is the survey included in Annex X. It provides the possibility of triangulating results in the future.

I documented the process and outcomes of each focus group session, following FGs questions protocol (see Appendix 4). This ensured adherence to the best practices in qualitative data documentation and analysis. Following Cyr's recommendations, this approach enhanced the reliability and depth of the focus group findings. The interviews were transcribed, and uploaded to MAXQDA software, where they were stored in the analysis process. In the following subsections, I indicate the methods and tools used to analyze the collected data.

2.4.2. Data analysis methods

Qualitative coding in GT

"Coding in grounded theory forms the backbone of analysis" (Charmaz, 2006, p. 63). The goal of coding is to understand the analytical significance of sentences, data segments, or events that occur within the data. Created codes demonstrate how to select, divide, and sort data for analytical explanation. Over the years, different scholars have adapted and modified the GT methodology, leading to variations in coding approaches. The most frequently distinguished frameworks include Glaser's GT approach to coding (1967)³⁹, Straussian coding in GT (developed with Corbin, 1990)⁴⁰, and coding based on constructivist grounded theory, as proposed by Charmaz (2006). Extending Strauss and Corbin's work, Clarke (2005) developed situational analysis, which introduces mapping techniques as a form of coding and data analysis. She employs situational maps, social worlds/arenas maps, and positional maps⁴¹.

Rigorous coding stems from the first principle of grounded theory. Glaser (1978) emphasizes the importance of being *sensitive* to the emerging data, which means recognizing relevant data and being able to give it analytical meaning (Charmaz, 2006; Glaser, 1978). Coding in the CGT consists of at least two stages: *initial* and *focused* coding. As indicated by Charmaz (2006), another possible stage involves expanding focused codes into theoretical ones (also called *categories*). In this work, I adopt the approach proposed in CGT. It is particularly useful for its robust coding processes that guide the iterative and interactive development of categories and theories directly grounded in the data. Charmaz distinguishes coding by word, sentence, line, and event (Charmaz, 2006).

³⁹ Barney Glaser, who co-originated grounded theory, emphasizes a systematic but flexible approach to coding. His method involves two main stages: open coding and selective coding. Data is first broken down into discrete parts, analyzed line-by-line or incident-by-incident, to identify substantive codes. This process is highly inductive, with codes emerging directly from the data without preconceived categories. Once a core category is identified, selective coding involves coding only for the core category and related categories. This focuses on integrating and refining the categories around the core concepts to build a grounded theory.

⁴⁰ Anselm Strauss, together with Juliet Corbin, developed a slightly more structured version of grounded theory which they described extensively in their 1990 book. Their approach included open, axial, and selective coding (also called theoretical coding in the later version). The axial coding is a key step unique to this approach. Data is reassembled by making connections between categories and subcategories using a coding paradigm involving conditions, context, action/interaction strategies, and consequences.

⁴¹ Clarke's approach adds a layer of complexity and comprehensiveness to coding by incorporating visual mappings that reveal relationships and positions within the data, expanding beyond the textual coding methods used in traditional grounded theory.

In the initial coding phase, I engaged with the raw data line-by-line to generate an array of codes, capturing the processes, actions, and interactions evident in the participants' narratives. Sometimes, I replaced line-by-line coding with segment coding (to follow Glaser's advice not to fragment significant events) (Glaser, 1992). This part was exploratory, aimed at opening up the data to reveal various potential analytical paths. At this stage, I've asked what can be seen with these data, what do they testify to, from whose perspective do they emerge, and can they indicate any theoretical categories? (Glaser, 1978; Glaser and Strauss, 2009; Charmaz, 2006). Moreover, it could be an important moment to apply *in-vivo* coding. However, in this study, *in-vivo* was used sparingly (in 8 out of 180 codes).

As mentioned, traditional GT approaches emphasize avoiding the imposition of preconceived concepts and ideas during the initial coding stage. In the constructivist approach, the need for this openness is maintained. At the same time, it is recognized that the researcher already possesses a framework of concepts and knowledge (e.g., in social sciences), which will influence the coding process. "There is a difference between an open mind and an empty head" (Dey, 1999, p. 251; cited in Charmaz, 2006, p. 66).

Moving to focused coding, I synthesized these initial codes into more targeted categories that captured broader phenomena and underlying themes. These categories enabled me to identify similar patterns across the remaining FGs transcripts until saturation was reached. For example, initial codes such as "registering in a hasty and declarative way," "women declaring what they want," "minors declaring themselves as adults," and "not paying enough attention to age verification" were refined into more focused codes like "registering in a superficial and incomplete way" and "lacking control over age verification." These were further distilled into the overarching category of "exposure through inadequate and hasty registration." This phase involved selectively narrowing down codes based on their analytical utility to explain larger data segments and to develop potential theoretical insights.

Furthermore, the practice of using gerunds for coding is particularly emphasized in grounded theory. Using gerunds focuses on actions and processes rather than static themes, aligning with GT's emphasis on understanding phenomena as they unfold (Charmaz, 2006; Glaser, 1978). Gerunds, being more descriptive and less definitive than noun-based codes, help researchers maintain an exploratory and inductive approach to developing codes. This dynamic method can uncover underlying processes that might be overlooked with more static coding methods.

The final code tree comprised 180 codes and 1608 coded excerpts from the focus groups. I present the evolution of codes from selected examples in the analysis in Tables 6. and Table 7⁴².

⁴² The code tree together with the codebook is available from the author on request.

Table 6. Example of codes' evolution in FGs analysis

Type of coding	Examples of codes	
Initial Coding	<p>Removing IOM from Lampedusa Lacking warnings for potential victims Registering quickly and declaratively Women declaring "what they want to declare" Lacking control over the identity of exploiters Knowing that ARs are claiming false age and data Claiming false ages and data Neglecting age verification Registering false information to avoid deportation to Nigeria Treating the arrival phase hastily Manipulating family relationships to access better facilities Perpetrators using the presence in the same facilities to exploit ARs Risking deportation influencing the accuracy of registration</p>	<p>"When I think about the registration phase, lately they've removed the IOM landings from Lampedusa. So, the fact that there's no one in uniform alerting potential victims means they will likely be exploited, to their disadvantage. Then, the digital fingerprinting registration, the declaration of names, it's all very declarative. Women declare what they want, there's no control, they declare their exploiter - they declare a husband, there are minors declaring themselves as children, but it's not true. I don't even know how it could be different, but it's all done very quickly. Minors declare themselves as adults. I believe... there's no attention. We could say, do the age test on everyone, but in some cases, I say 'one says she's 15 years old' but she really is 15, but the madam tells her to declare 19. And she registers as 19. Because otherwise, they'd send her back to Nigeria. So, the arrival phase is a bit rushed, and this obviously favors invented families, assisting nuclei who claim to be married. For example, to go to the same facility (CAS) and then control them in trafficking circuit." (FG04).</p>
Focused Coding	<p>Disempowering INGOs Providing inadequate protection for potential trafficking victims Registering superficially and incompletely Lacking control over age verification Lacking control over identifying exploiters Exploiting the hasty arrival phase Controlling victims in (through) reception facilities</p>	
Thoretical Coding	<p>Failing systemically to protect potential trafficking victims in registration procedures Registering inadequately as a factor increasing risk Utilizing reception systems for exploitation Exposing to forced labour through registration phase</p>	

Source: own elaboration, based on FGs data.

Table 7. Example of codes' evolution in FGs analysis

Type of coding	Examples of codes	
Initial Coding	<p>Registering and identifying as fundamental phases in ARs' lives Registering and identifying in a meticulous way hold the power of prevention People in the asylum process being destined for exploitation Noticing exploitation during, before, and after entering asylum procedures Journey and arrival mode impacting ARs Noticing first reception conditions as important factor Turning back survivors of trafficking in Dublin procedures Dublin procedures and fingerprinting impacting the problem Facing bureaucratic obstacles Understanding where you are during registration procedures Intercepting and interrupting exploitation in the initial phase Not considering ethics in survivor turnover policies</p>	<p>"Everything X said is right. The phases of registration, landings and identification are fundamental. Here, probably, a lot depends on prevention. Let's call it, that if used smart – they could improve the prevention. There have been moments, even now a little bit, when we had an important part, like 20-25% of people entering our system, were <i>destined for exploitation</i>. In the sense that they were identified early on the way, during the landing, even before going through that step previously mentioned, calling the madame, etc. So, this is the moment to intercept it and interrupt the process. This obviously concerned the Nigerian cases. The journey and the process of accessing the territory have a significant impact, there's no doubt about it. It impacts your life. It's hard to say otherwise, isn't it? Just as I dare say, the mode of reception, in quotation marks, of the first landing and the first moment, etc., has a significant impact. Understanding where you are, what the issues are, etc.</p>

<p>Focused Coding</p>	<p>Early identifying exploitation risks and indicators Intercepting and interrupting exploitation processes in initial phases Using the registration phase as a prevention measure Journey and the access to territory impacting the vulnerability Using Dublin Procedures as exposing factor to exploitation Noticing challenges in first reception Needing responsive and informed reception processes</p>	<p>Because we are faced with the conditions that people arrive thinking they are coming to a country, whether in Europe or Italy. You arrive on another continent. Back then, it was thought to be a very welcoming continent, the continent of opportunity. And then you found the world in such a mess, right? On registration, there's also a small problem, concerning the Dublin Treaty, which is not secondary then on the mode and capacity of exploitation. Because even today we witness this crazy story of turning back the survivors to the country of first registration" (FG04).</p>
<p>Thoretical Coding</p>	<p>Failing systemically to protect potential trafficking victims among ARs Intersecting migration and exploitation risks in early phases of the asylum process Protecting through access and registration procedures Exposing through Dublin Procedures</p>	

Source: own elaboration, based on FGs data.

The codes presented in Tables 6 and Table 7. illustrate an attempt to assign and represent meanings and processes emerging from the participants' statements. Using the example of one phase (the initial stage of access to procedures and registration), I demonstrate how respondents perceive the relationship between asylum procedures, their application, and the issue of forced labor among ARs. They reveal elements identified as harmful for ARs or recognized as useful in prevention. Selected excerpts show that in one phase, respondents identified both possibilities to reduce and increase the problem.

Based on these codes, I concluded that it was necessary to construct categories that capture the duality of asylum procedures. After three focus groups, the convergence and repetition of these codes in the statements of other respondents led me to create categories labeled "protecting" and "exposing through asylum procedures." The next subsection will illustrate the evolution of this concept through codes and memos. The use of memos transformed the "bones of analysis" into a robust analytical framework, effectively forming the "efficient skeleton" of grounded theory (Charmaz, 2006, p. 64).

Employment of Memos and Thematic Analysis of collected data

Thematic analysis (TA) is a method for identifying and interpreting themes and patterns within data, facilitating new insights (Nameem et al., 2023; Thomas, 2006). TA involves systematic coding processes aimed at developing themes, constituting the ultimate analytical goal⁴³. Scriven (1991) emphasizes that this method is particularly well-suited to inductive research, where theories emerge directly from the data. Additionally, thematic analysis sharpens skills necessary for conducting other types of qualitative analysis (Braun et al., 2019). However, some researchers have criticized the method and its applications for lacking methodological rigor (ibid., 2019).

⁴³ TA is often considered a uniform method, yet it encompasses numerous variations and procedures. Common to all versions of TA is the focus on identifying patterns of meaning via coding processes. However, these approaches are founded on diverse and sometimes conflicting notions of best practice, rooted in different qualitative research values (Braun and Clarke, 2021)

Naeem et al. (2023) introduced a six-step approach to thematic analysis that supports researchers in building detailed models from their data. This method involves identifying phenomena, brainstorming potential codes and themes, and evolving initial observations into a comprehensive analytical model. A similar six-phase approach was developed by Braun et al. (2019), demonstrating its utility and adoption in recent research. Braun and Clarke (2021) provide a practical guide that details how thematic analysis can be seamlessly integrated with various research methodologies to enhance all phases of a study. This integration proves particularly beneficial when thematic analysis is used within the framework of GT, as it allows for a richer, more nuanced understanding of data. According to Naeem et al. (2023), the adaptability and potential of thematic analysis make it an invaluable tool in GT research.

Further emphasizing the importance of reflexivity, Braun and Clarke (2021) discuss how Charmaz's (2014) modifications to grounded theory have enriched our understanding of data analysis. They highlight that both Charmaz's reflective approach to grounded theory and the reflexivity required in thematic analysis involve a critical examination of the researcher's role and the research process itself. This practice is essential for ensuring methodological rigor and depth in research.

Reflexive TA formed the background for the analyses in this study. The process begins with dataset familiarization and progresses through stages including data coding, initial theme generation, theme development and review, culminating in theme refining, defining, and naming. The final phase, writing up, involves documenting and presenting findings (Braun and Clarke, 2021). However, due to its integration with GT, the analysis was iterative, with continuous returns to various phases, reflecting a non-linear approach⁴⁴. In this research, reflexive TA was employed as the analytical framework, even though Braun and Clarke originally developed it for *Big Q* qualitative research. Big Q, as defined by U.S. feminist psychologists Louise Kidder and Michelle Fine, denotes research that is deeply embedded in qualitative methodologies and committed to distinct qualitative values. This contrasts with "small q" research, which utilizes qualitative data in a more restrictive manner or aligns with quantitative positivist values (ibid., 2021). The use of reflexive TA in this study facilitated a thorough and nuanced exploration of the qualitative data, demonstrating its versatility beyond the Big Q context.

Among the ten most important principles of TA considered in this work, one is viewing the researcher's subjectivity not as an obstacle but as an essential tool for generating inherently subjective knowledge. Additionally, it was recognized that codes and themes emerge from deep engagement with the data and from returning to it after breaks to gain a fresh perspective. In this methodology, themes are more than mere categorization and summarization; they are analytical constructs that arise from codes and are

⁴⁴ Although these phases' structure the practical handling of data, they are executed within a broader methodological framework comprising specific values, assumptions, and practices.

not predetermined. They represent patterns connected by a common idea. This is particularly important from a GT perspective, where themes are not passively extracted from the data but are actively constructed by the researcher through systematic engagement with the data (ibid., 2021; Charmaz, 2014)⁴⁵.

Memos have proven invaluable in applying this approach, serving as a key analytical tool. Recognized as fundamental in grounded theory, writing memos involves the researcher pausing to reflect and analyze their coding ideas (Charmaz, 2006, p. 98). Certain codes may evolve into "higher categories," also known as "theoretical categories," providing a space for developing focused codes. Additionally, memos help embed findings from earlier research phases. Grounded theory and the chosen coding strategy accommodate various types of memos. In this study, I employed methodological memos, memos dedicated to specific codes, and conceptual memos (Corbin, 2014).

At the same time, memos allow for adherence to *the methods of constant comparison* (Glaser, Strauss, 2009; Charmaz, 2006). Memos enabled a return to the data at any point during their collection and analysis. Hence, both codes and memos were subject to continual modification. I also used this tool for theoretical coding. This involves the process of checking the relationships and connections between individual codes, "forming hypotheses that can then be integrated into a theory" (Glaser, 1978, cited in Charmaz, 2006, p. 86). Glaser created eighteen families of codes, useful in the theorizing stage, including the "Six Cs" family⁴⁶. Although these guidelines were very helpful, they did not constitute rigid frameworks in this work.

In Tables 8. and Table 9., I present an example of how memos were used in this research. They show the evolution of focused codes into higher categories and themes that ultimately form the conceptual core of the results and the developed GT. In the memos, I present the initial codes and ideas that sparked further discussion.

⁴⁵ In reflexive TA, researchers do not recommend coding solely line-by-line, but rather diversifying the analysis by coding larger segments corresponding to data relevant to the research question (Braun and Clarke, 2021). It also means that some of the data fragments will not be coded at all. This is because they were not considered relevant.

⁴⁶ The 6 C's typically include: causes (what causes the phenomenon?), contexts (in what context does the phenomenon occur), contingencies (what are the conditions affecting the phenomenon), consequences (what are the outcomes?), covariances (how does the phenomenon change when other variables change?), and conditions (what are the specific situations or conditions that influence the phenomenon) (Glaser, 1978; Glaser, 2001).

Table 8. *An example of the Coding Memo based on FGs data*

<p>Coding Memo:</p> <p>Negative elements coded across FGs in the phase of access to the procedures and registration procedures</p> <ul style="list-style-type: none"> • Cutting off inter-agency cooperation (e.g., discontinuing the IOM mission in Lampedusa, which previously provided significant support. • Operating of hotspots responsible for initial reception, which also relates to the reception stage. • Registering in inaccurate and rushed way (particularly concerning the 25% of migrants who are already designated for trafficking, such as Nigerian women, increasing the likelihood for exploiters) • Accepting declarative (or false) registrations (including falsifying age for easier exploitation and declaring fictitious family ties for the same purpose). • Providing information in a superficial way • Using registration for further exploitation <p>Positive elements in the phase of access to the procedures and registration procedures</p> <ul style="list-style-type: none"> • Conducting a thorough, detailed information campaign (individualized) about rights, procedures, risks, and responsibilities of migrants, which also involves recognizing the situation migrants find themselves in upon arrival in Italy • Registering in a precise and attentive way, • Having the anti-trafficking network representative at registration procedures.

Source: own elaboration

Table 9. *An example of the Concept Memo based on FGs data*

<p>Concept Memo:</p> <p>Throughout the focus group discussions regarding the strengths and weaknesses of various procedures, it is evident that almost every procedure can serve both as a strength and a weakness. I've encoded segments where access to information through collaboration was considered a strong aspect of a particular region. Conversely, a lack of information access and varying levels of access across regions were viewed as weaknesses, potentially intensifying the issue of forced labor.</p> <p>Theoretical Categories:</p> <p>Responses oscillate around two theoretical categories: 'exposing' and 'protecting'. These findings suggest that the same elements within the asylum procedures can either serve to protect against or exacerbate the issue of forced labor.</p> <p>Asylum Procedures and Forced Labor:</p> <p>The way asylum procedures are utilized appears to suggest that, if properly used, some of these procedures might form a protective barrier against exploitation. This implies that the problems within asylum procedures and their "harmful" elements, as identified by respondents, are potentially avoidable? Asylum procedures, if correctly implemented, can help to mitigate the problem of forced labor.</p> <p>Example on the Initial Phase of Asylum Procedures (Access to procedures and Registration). (It should be check on every level, to understand if this "duality" is visible in all of the procedures and phases).</p> <p>Exposing through:</p> <ul style="list-style-type: none"> • Cutting off inter-agency cooperation, e.g., discontinuing the IOM mission in Lampedusa, which previously provided significant support. • Operating of hotspots and first reception facilities, which also relates to the reception stage. • Inaccurate and rushed registration processes, increasing the likelihood for exploiters, particularly concerning the 25% of migrants who are already designated for trafficking, such as Nigerian women. • Accepting declarative (or false) registrations, including falsifying age for easier exploitation, and declaring fictitious family ties for the same purpose. • Providing information in a superficial way • Using registration for further exploitation. <p>Protecting through:</p> <ul style="list-style-type: none"> • Conducting a thorough, detailed information campaign (individualized) about rights, procedures, risks, and responsibilities of migrants, which also involves recognizing the situation migrants find themselves in upon arrival in Italy • Precise initial registration, reducing the risk of exploitation in the opinion of respondents • Having the anti-trafficking network representative at registration procedures. <p>I treat here protecting and exploiting through procedures as categories (more abstract terms, that come from the major theme that a group of basic-level concepts showed) (Corbin, 2014).</p>
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Source: own elaboration

Using MAXQDA in the data analysis

In this research, I employed the software MAXQDA to support my grounded theory methodology. It was applied at each stage of the research, in the quantitative and qualitative phases. Initially, I created a MAXQDA project to serve as a central workspace, importing all collected data, including focus groups' transcripts, field notes, and relevant documents. This integration allowed for seamless access to and manipulation of data, crucial for my analysis. I utilized the document groups feature to systematically categorize the data, which facilitated efficient retrieval and reference throughout the research process.

The coding phase was pivotal. I applied the previously described initial and focused coding, which enabled the creation of a clear code tree. The creative coding feature was instrumental in organizing these codes visually, aiding in the identification of patterns and relationships essential for the development of my theoretical framework (Rädiker, 2023; Rädiker and Gizzi, 2024; Saldaña, 2021).

Memo writing in MAXQDA played an important role in my analytical process. I composed extensive memos that documented my thoughts, coding decisions, and the evolution of categories (Senel and Yerliyurt, 2016). These memos were linked to specific codes and data segments, which enriched the depth of the analysis and facilitated the integration of insights across the dataset. Moreover, I utilized MAXQDA's visual tools to create diagrams that mapped the relationships between categories. These visual representations were vital in understanding and presenting the complexity of the data, ultimately leading to the formulation of the main findings and the grounded theory.

The software's structured and systematic approach to coding and categorization helped maintain methodological rigor, essential in GT research to ensure that the emerging theory was deeply rooted in the data. Its support for constant comparison across all levels of codes and memos facilitated the refinement and saturation of categories, a key aspect of achieving theoretical depth⁴⁷.

2.5. Limitations of the study

The limitations of this study, while reflective of rigorous methodological design, present challenges that must be acknowledged to contextualize the findings and guide future research.

- **Sampling:** Although qualitative methods provide deep insights into complex social phenomena, they are less generalizable than quantitative results due to the non-random sampling (Cyr and Wallace

⁴⁷ To learn more on how to use the MAXQDA software, in grounded theory research see the handbook, created Rädiker (2023), *Doing grounded theory with MAXQDA. Guidance and tips for your practice*. Berlin: MAXQDA Press. I consulted with the author about the application of software in my research project.

Goodman, 2024). In this case, the study results should not be generalized to a larger population. That was not the aim of the research either. Moreover, the decision not to include certain stakeholders, such as ARs directly in this phase of the study, due to ethical concerns and pandemic constraints also could be understood as a limitation. Nevertheless, engaging ARs in discussions about forced labor, especially those who may have experienced or are vulnerable to such conditions, poses significant ethical challenges, such as trauma sensitivity. Exposing participants to topics that might retraumatize them without adequate psychological support violates ethical research practices. Financial and logistical limitations impacted the ability to adapt the research strategy in a manner consistent with the "do no harm" principle to also include ARs in the study.

- **Limitations of focus groups:** Researchers often cite two major limitations of focus groups, namely their representativeness and external validity (Cyr, 2016, 2019; Nyumba et al., 2018), as well as problematic group dynamics (Cyr, 2019; Vicsek, 2014). The dynamics within each group can significantly affect the results, as participants may express different viewpoints depending on the group composition and interaction dynamics. In two of the FGs, despite the use of effective moderation techniques, some participants contributed to the discussion at rates of about 20-15%, with one respondent contributing as little as 7%. In the remaining five focus groups, it was possible to maintain contributions at 20-25% each. This suggests that over time and with practice as a moderator, I was able to achieve a greater balance in the discussions.
- Another limitation is the **online execution of focus groups** due to pandemic-related restrictions. Nevertheless, the COVID-19 pandemic changed our understanding of online meetings, and their accessibility. Researchers increasingly recognize the importance of online methods (Poliandri et al., 2023). While some note the limitations of online qualitative data collection, such as a lack of physical and non-verbal context, others argue that computer-mediated communication can be as rigorous as face-to-face interactions (Morgan and Lobe, 2011). Additionally, Lathena and Laestadius (2021) highlight that online FGs are very inclusive, facilitating participation for individuals who might be hard to reach otherwise. Poliandri et al. (2023) suggest that online research strategies can be innovative methodological pathways, not just compromises.
- **The language limitation** in this study arises from conducting FGs in Italian and subsequently translating the results into English. Nevertheless, the transcriptions were made in Italian and were not fully translated into other language to minimize the loss of significant meanings during coding. However, the quotes presented in the dissertation were translated. This can result in translations that either oversimplify or misrepresent the original sentiments expressed by participants.

In this research process, the adoption of mixed methods and (constructivist) grounded theory has enabled the attainment of extensive data. Notably, coding strategies and (reflexive) thematic analysis have revealed the complexities of the relationship under study. Additionally, conventional methods typical in

political science, such as institutional-legal approaches, were also applied, particularly in analyzing secondary data and the conditions of the asylum system in Italy (Chapter 4).

As Denzin (1998) suggests, meaning, interpretation, and representation are deeply interwoven, reflecting the complex nature of reality and research. This study exemplifies this interplay through its methodological rigor and reflective practice, aiming to understand the dynamics of asylum procedures and forced labor among ARs. This culminates in a Results and Discussion chapters that integrates the data gathered and analyzed with the developed grounded theory.

3. The Results of a Two-Phase Systematic Review⁴⁸

3.1. Introduction

This systematic review aims to examine the evidence linking the international protection system, including asylum and migration policies, to forced labor among ARs. The main question was: what do key research findings reveal about the scale and nature of forced labor among ARs and its relationship to asylum policy in host states? Asylum seekers and refugees, a subgroup of forced migrants, are under-researched in the context of forced labor. Their unique socio-legal status, influenced by both migration regimes and the asylum system, warrants a more focused analytical approach. This work emphasizes the need for targeted questions addressing this specific group⁴⁹.

For this, I decided that a systematic literature review would be the most relevant tool. It provides a more comprehensive picture than single studies. Additionally, identifying the mentioned relationship can have a practical dimension for decision-makers and practitioners. A systematic review therefore has the character of democracy's tool (Gough and Thomas, 2016). Indeed, it becomes a key element of evidence-based decision-making. It is essential that policy decisions (especially involving vulnerable populations) are based on the best possible data. Systematic reviews on trafficking and forced labor are not common. Some of them have addressed the impact of the trafficking on survivors' health (Oram et al. 2012; Ottisova et al., 2016) or the issue of sexual exploitation and trafficking for sexual exploitation alone (Van der Laan et al., 2011; Graham et al., 2019; Wright et al., 2021).

A comprehensive literature review on the broader concept of human trafficking was conducted by Goździak and Bump (2008). A direct indication of forced labor and sexual exploitation is also offered by Such et al. (2021). A significant paper is a two-phase systematic review on human trafficking and labor exploitation (Cockbain et al., 2018). In several ways, this review was a benchmark for my work. SRs on refugees largely focus on health, both mental and physical, and factors influencing their wellbeing (Hajak et al., 2021; Brandenberger et al., 2019; Due et al., 2020). The number of SRs (as well as scoping reviews) on anti-trafficking tools is increasing. They cover monitoring and vulnerability assessments (McCoy, 2017), new technologies (Gezinski and Gonzalez-Pons, 2022) or essential services and ways to measure results in combating the problem (Barrick and Pfeffer, 2021; Valadez et al., 2022; Talbott et al., 2022). Nevertheless, the vast majority focus on sexual exploitation. Reviews addressing strictly the problem of forced labor (and

⁴⁸Based on this chapter, I have submitted and published a scientific article as main author in the prestigious scientific journal - *Journal of Human Trafficking*. The article "Asylum Policies and Forced Labour among Asylum Seekers and Refugees: The Results of a Two-Phase Systematic Review" (Szulc and Szymaniak, 2023).

⁴⁹ I consider asylum seekers and refugees, as those who have at least applied for asylum (whether or not it has been granted), and all beneficiaries of various forms of international protection, including refugee status, subsidiary protection, or humanitarian protection.

human trafficking for labor exploitation) are still lacking. In this review, I merge *refugee studies* with research on forced labour and labour exploitation.

The article is based on previously described methodology and search strategy (see Chapter 2). I then turn to the results from the systematic map, and an in-depth synthesis. I conclude with a description of limitations and a discussion of the results. Finally, I present the recommendations collected, and the implications of the review for further research. Lastly, I present the "detail deficit" concept, which emerged from the discussion.

3.2. Results

At this stage, I present the results from both the systematic map and the detailed synthesis. The systematic map description includes only the most illustrative examples ($n = 45$), with the complete list of publications available in Appendix 3.

3.2.1. Phase 1: The Systematic Map

I identified 73 publications for the systematic map, of which 22 were referred to the synthesis phase. Here, I present the results from the 51 mapped works. The breadth and quality of empirical evidence in these publications was not strong enough to include them all in the second stage⁵⁰. Certain methodological weaknesses highlighted by the map phase, determined the direction of further synthesis. Here I present the main findings extracted from the systematic map.

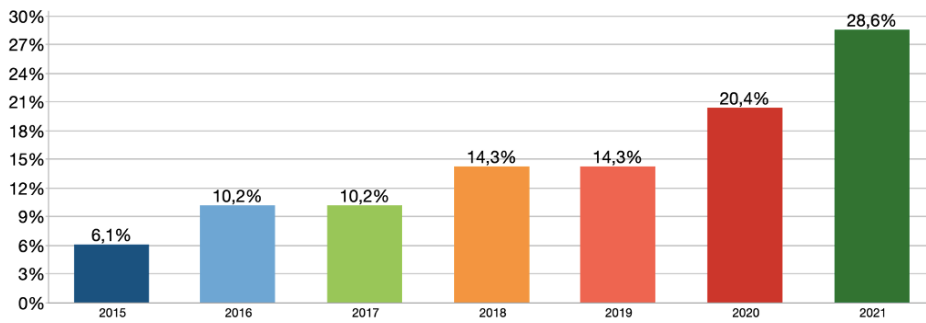
Distribution by Year of Publication

Following the criteria, I included publications after 2015. Their distribution over the years is shown in Figure 3. Among these, mostly journal articles ($n = 31$) and peer-reviewed book chapters ($n = 20$) appeared. The increased number of publications after 2015, and the fact that most of the publications concerned European countries, can be tied to the so-called migration crisis of 2015 (this is confirmed by Figure 4). Moreover, this may be related to the slightly better availability of data on forced migrants and their exploitation (e.g., GRETA, IOM, FRA reports). Alongside this, the number of identified victims (and survivors) of trafficking is also increasing, which may be reflected in the availability of data⁵¹.

⁵⁰Some of the publications met the quality criteria, but we did not include them in the synthesis, because they did not answer the review research questions (among others: Pascoal, 2020; Tervola, 2020).

⁵¹ See more: TIP Report 2022 (U.S. Department of State, 2022).

Figure 3. Distribution by publication date



Source: own elaboration

Distribution by Country

In the review, I included works that analysed situations in refugee-hosting countries. The chart (refer to Figure 4) indicates the terms used by the researchers in their paper's content. The indication of 'Europe' means that the authors focused on Europe in general. The term 'multi-state' indicates several countries of analysis⁵². There are several possible reasons for the overrepresentation of studies in the UK and Italy. Most of the data used was from 2015-2019⁵³. At the time, the UK ranked first and Italy second in the number of identified victims of trafficking in Europe⁵⁴. Alongside this, both countries were ranked in TIER 1 in the TIP report during these years. This means that the efforts made by the states met the minimum standards of the TVPA (Trafficking Victims Protection Act of 2000 – Minimum standards)⁵⁵. This is often reflected in the number of reports, publications and collected, available data. The UK and Italy also have strong developed, subsidized databases and monitoring centres for human trafficking (and therefore forced labour and labour exploitation). Another reason may be the language restriction to English. In the remaining countries, publications are also spread over the native languages and are not covered in this review. In the case of the UK all publications could be included.

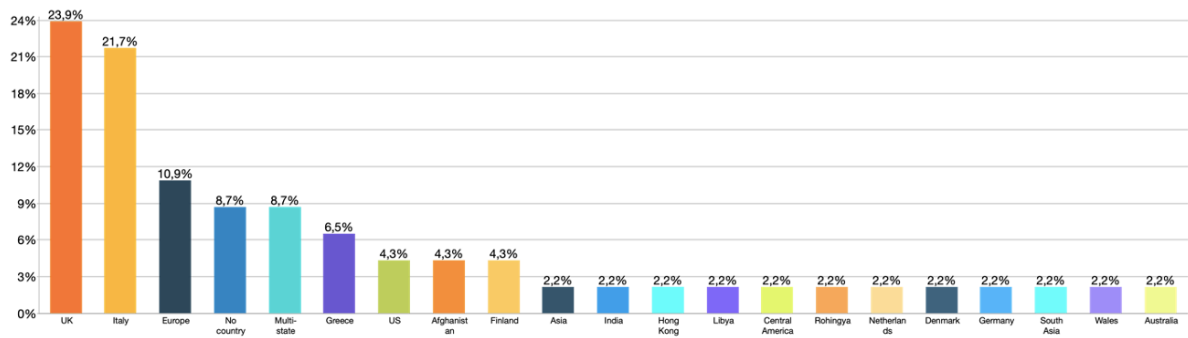
⁵² For example, Hynes (2017) refers to interviews from Afghanistan, Brazil, China, Jamaica and Nigeria and Kurds from Turkey, Iran, and Iraq; also eight European countries included in Oliveira, Charlotte et al. (2018).

⁵³ The time needed for preparation and review extends the process and may have resulted in later publication. This corresponds with the figure showing an increased number of publications in subsequent years.

⁵⁴ UK with 6,993 victims, France 2,819, and Italy with 1,373 victims.

⁵⁵ The TIP Report is the U.S. Government's tool to engage foreign governments in anti-trafficking efforts. It is also one of the most important comprehensive sources of information on countries' efforts in this area.

Figure 4. Distribution by analysed country



Source: own elaboration.

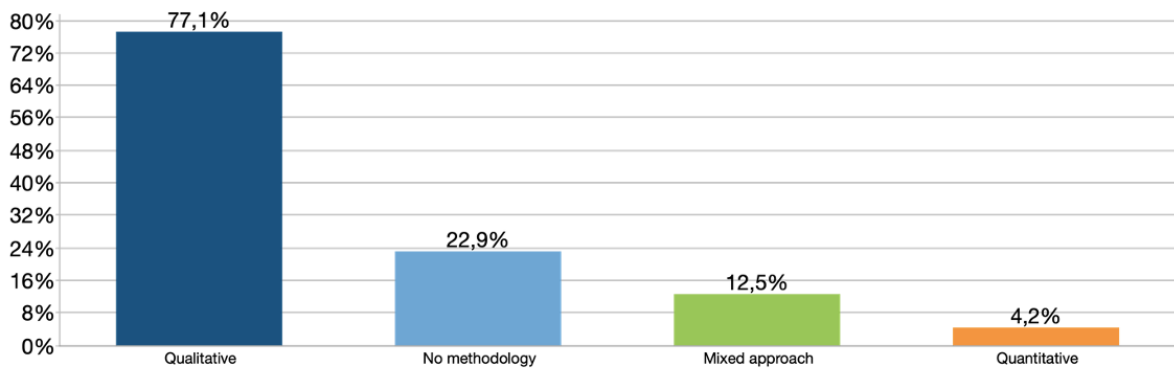
Distribution by Methodological Approach

In the overall assessment, the descriptions of the methodology used were very limited. Most publications were qualitative ($n = 37$). Only two entirely quantitative papers were included in the systematic map (Hernandez and Rudolph, 2015; Tervola, 2020). If there was a quantitative component, it was usually part of a mixed approach, still with a predominance of qualitative research (Fili and Xythali, 2017; Kovner, 2021; Menghi, 2021; Oliveira, 2018).

Several papers did not indicate any specific methods or adopted methodological framework ($n = 11$) (see Figure 5). In terms of citing specific methods of analysis and data collection, reference was made most often to legislative or policy analysis. All of these studies were strictly qualitative. At the same time, concrete methods of analysis were usually not indicated.

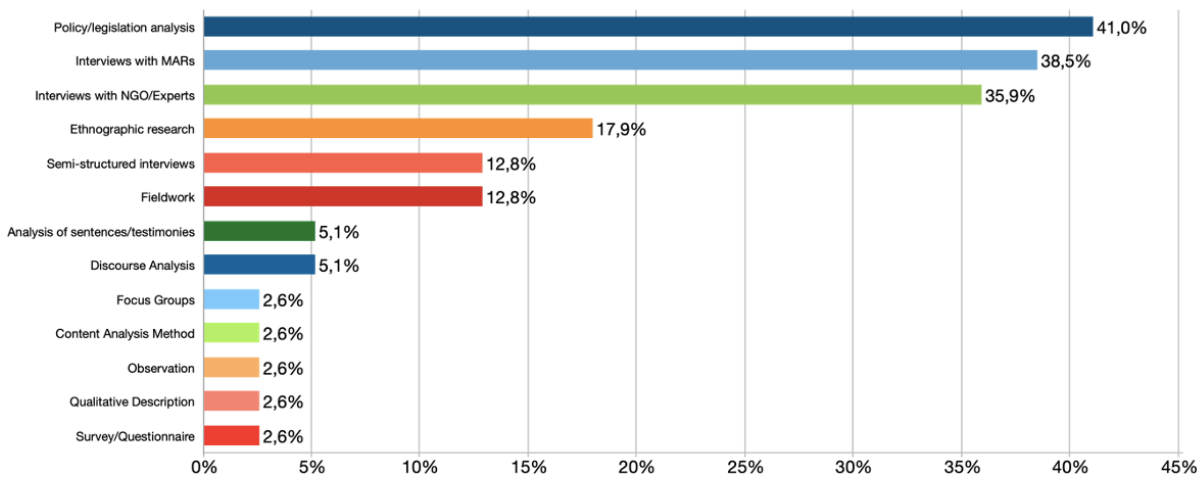
This may point to a research orientation that is oversimplified to the analysis of documents and legislation without appropriate methodological rigor. Therefore, we have chosen to indicate this as a 'method' in Figure 6. As Figure 6 shows, the choices of methods were quite similar. Interviews with MARs (migrants, asylum seekers or refugees) ($n = 13$) or with expert groups ($n = 13$) were frequently used. Here again, we use terminology taken from the included studies. If the term 'interview' appears alone - that is, no specific method (such as in-depth interviewing) was indicated. Mostly, however, the descriptions of the studies suggest that these were unstructured interviews.

Figure 5. Methodological distribution



Source: own elaboration

Figure 6. Methods in mapped studies



Source: own elaboration

Thematic Coverage (systematic map)

Five themes were revealed in analysis of the systematic map. These are described below.

- a. Reference to the concepts of *precarity* (Canefe, 2018; Domşodi, 2019; Gerard, 2017; Gerard and Vecchio, 2017; Manocchi, 2017; Pasqualetto and Perocco 2020) and *vulnerability* (Akbalsi & Mavi, 2019; Alemi, 2018; Hassouri and Parastou, 2021; Müller-Rensch et al., 2021; Simon, 2021; Triandafyllidou and Bartolini, 2020) were common.
- b. Many studies incorporated gender and age as variables, highlighting women's increased vulnerability to exploitation and their specific survival strategies (Canning, 2020; Freedman, 2015; Murphy, 2021; Oliveira, 2018; Pascoal, 2020; Palmary, 2016). To a similar extent, the research concerned unaccompanied foreign minors (Fili and Xynthali, 2017; Galloway et al. 2014; Korner et al., 2021).

- c. The discussion inside the systematic map was dominated by a general analysis of the impact of immigration and asylum policies on the ARs' labour situation. Publications often evaluated the successes and shortcomings of international protection regimes (Anderson, 2017; Calò et al., 2021; Crépeau and Atack, 2016). This analysis was supported by qualitative research on both international and local legislations (Brite, 2019; Cavanna, 2018; De Martino, 2016; Hassouri, 2021; Simon, 2021).
- d. Numerous studies addressed the importance of socio-legal status (Cavanna, 2020; Chakraborty and Bhabha, 2021; Gebreyesus et al., 2018; Howard and Forin, 2019; O'Conneide, 2021; Rojas-Matas 2021; Traindafyllidou and Bartolini, 2020; Vecchio and Francesco, 2017). Prominent in this group was research indicating the relationship between the guarantee of legal status and increased risk of trafficking among ARs. Although these largely lacked strong empirical results, they do provide a basis for further research (Hernandez and Rudolph, 2015).
- e. The theoretical frameworks in the reviewed studies encompass three primary strands. Firstly, socio-spatial theory in its various dimensions is prominently featured (Anderson, 2015; Calò et al., 2021; Della Puppa and Sanò, 2021; Field, 2020; Kreichauf, 2019; Müller-Rensch and Safouane, 2021). Secondly, several works reference Marxism (Howard and Forin, 2019), feminism (Canage, 2018; Jobe, 2020), or Marxist feminism (Cruz, 2018). Thirdly, many studies adopt a structural approach, addressing issues of structural and cultural violence (Canafe, 2018; Hirschler, 2021; Pellegrino and Ricotta, 2020), and exploring structural inequalities and the exclusion/marginalization of asylum seekers and refugees (Cavanna, 2018).

3.2.2. Phase 2: Detailed Synthesis

I synthesized 22 studies. The synthesis considers their key foci, main findings, conclusions, and key methodological and theoretical issues. Moreover, I refer to the recommendations provided by authors (practical, or those for further research)⁵⁶. To present the most universal nature of the research, I conducted the review without confining it to any specific geographical area. Several of the synthesized studies went beyond the focus of the review. In such cases, I centre on those elements that allow us to answer the research questions. I have identified some elements that bridge the synthesized studies. These are divided into four categories: study design, addressed themes, main findings, and overall research evaluation.

Study Design (Methodology, Sample, Definitional Convergence, Methods Used)

Of the 22 publications synthesized, the majority were exclusively qualitative ($n = 20$). The exceptions were Mai (2016) and Lilja et al. (2019), who employed mixed methods, including surveys. At the same time, they also captured the largest research samples (Mai with $n = 500$ participants, Lilja et al.

⁵⁶ A list of all publications with their description is included in Appendix 3.

with $n = 456$ participants). All 22 studies used purposive sampling; however, some did not provide basic sampling information (Sager, 2016; Vickers, 2015).

The sample size was indicated in almost all studies ($n = 20$ of 22). The smallest included 16 respondents (Park, 2015) while the largest was the group of 500 participants (Mai, 2016).

I observed similarities in the selection of methods. Interviews were the most common data collection method ($n = 21$). In-depth interviews were frequently used (e.g., Dwyer et al., 2017; Lewis et al., 2016; Waite and Lewis, 2017), as were semi-structured interviews (e.g., Janmyr, 2016; Pradella, 2020; Vickers, 2015; Wyss and Fischer, 2021). Interviews were primarily conducted with MARs (e.g., Dwyer et al., 2017; Hodkinson et al., 2021; Vickers, 2015) or expert groups (see earlier Figure 6). The expert group usually consisted of activists, migration or trafficking specialists (e.g., Canning, 2020; Janmyr, 2016; Kemp, 2017), or NGO staff and volunteers (e.g., Lewis et al., 2017; Wyss and Fischer, 2021). In some cases, these groups were combined (e.g., Freedman, 2015; Kemp, 2017; Lewis et al., 2017; Melossi, 2021; Pelek, 2019). Some of the work sampled employers of MARs and even employment intermediaries (Melossi, 2021; Pelek, 2018;). A few ($n = 3$) used focus groups, but the processes for conducting those was not always comprehensively described (Gebreyesus et al., 2018; Lilja et al., 2019; Vickers, 2015). Additionally, several researchers ($n = 7$) chose ethnographic studies, frequently utilizing participant observation (e.g., Canning, 2020; Freedman, 2015; Kemp, 2017; Melossi, 2021; Sager, 2016).

There were also exceptions in the selection of methods. For instance, May (2016) conducted research using experimental ethnographic films (or *ethno-fiction*). The films addressed the life stories of young Nigerian women working in a Parisian sex sector. I also observed similarities in the definitions of forced labor and labor exploitation. Moreover, several of the studies engaged in a discussion of the concepts of "forced labour" and "unfree labour" ($n = 4$) (Bales and Mayblin, 2018; Dwyer et al., 2016; Lewis et al., 2015; Mai, 2016). Discussions revealed some common conclusions. For example, the concept of *unfree labour* can resolve the impasse regarding several contentious issues i.e., the nature and forms of coercion that determine labour exploitation or factors impacting on the impossibility (or possibility) of leaving the exploitation circle. Shifting the burden to 'unfree labour' allows for a better definition of social relations and exploitative conditions (Bales and Mayblin, 2018). This discussion is an integral part of the work of Lewis et al. (2015) who point to the importance of global inequality or the precariat in the analysis of unfree labour⁵⁷. Although several studies provided elaborate definitions, others provided no definitional indicators at all ($n = 12$)⁵⁸.

⁵⁷ There is an ongoing debate in the scientific literature regarding the binary nature of concepts such as forced labor, unfree labor, and exploitation. Several relevant publications in this field include works by O'Connell Davidson (2015, 2021) and LeBaron (2013, 2018). O'Connell-Davidson questions the new abolitionist interpretations of slavery and the very concept of 'modern slavery.' Her work emphasizes the need to analyze systems of domination and to consider broader limiting factors such as class, caste, gender, and race. One of her conclusions is that by focusing on different types of unfree/forced labor, forced and economic migrants, etc., we may divert attention from the broader structures that constrain the choices of people on the move. LeBaron's conclusions are consistent with this approach. In her work, LeBaron analyzes the contemporary spectrum of unfree labor relations, using social reproduction theory (Gore and LeBaron, 2019) among other methods.

⁵⁸ For the details, see Appendix 3.

Quality Assessment

I evaluated the quality of the research evidence using the *Quality Assessment Tool* indicated earlier (see Table 4). Each question was scored from 0-2. Studies that met most of the criteria ranked between 15 and 18 points. Among the most frequent shortcomings and deficiencies were the insufficient clarity and transparency around methods, and lack of their reliable reporting. An example is the Vickers paper (2015), where only the qualitative nature of the research and data collection techniques were residually indicated. Another common shortcoming was the lack of a thorough description of ethnographic research (Canning, 2020; Janmyr, 2016; Sager, 2015). Moreover, I noted that in several papers authors failed to provide information regarding the questions asked in the interviews. They did not appear either in the text of the articles or as question protocols in an appendix (Freedman, 2015; Janmyr, 2016; Sager, 2015; Vickers, 2015).

Some papers lacked descriptions of the sample's basic demographics (Sager, 2015) or the number of interviews conducted (Freedman, 2015). Additionally, a few studies did not specify the gender of the participants (Canning, 2020; Janmyr, 2016; Pradella and Cillo, 2020). Alongside this, factors that reduced research quality included: unclear conclusions and results insufficiently grounded in empirical data (see, for instance, Freedman, 2015; Meiosis, 2021), lack of discussion of the limitations of the research ($n = 11$), and ethical issues ($n = 8$). Positive examples in this regard were: Gebreyesus et al. (2018), Mai (2016), Dwyer et al. (2016), Pelek, (2019), Waite and Lewis (2017), Kemp (2017), Bales and Mayblin (2018), and Wyss and Fischer (2021).

Thematic Similarities

Two main themes emerged from the research, including the concepts of *vulnerability* and *precarity*. References to vulnerability are central to the works of: Dwyer et al. (2016) Janmyr (2016), Kemp (2017), and Waite et al. (2021). Park (2015) explored the *systemic production* of legal and economic vulnerability through the example of Bengali 'working asylum seekers' in Paris. Pelek (2019), via a study of unequal ethnic relations between workers in Turkish agriculture, analyses the working and living conditions of Syrian refugees and their vulnerability to exploitation. Gebreyesus et al. (2018) explores the concept of 'structural vulnerability' in a study of Eritrean asylum seekers in Israel.

Crucial in the context of precarity are the studies of Waite and Lewis (2015; 2017) and Dwyer and Hodkinson (2015; 2017; 2020; 2021). Leading questions in their research were why and how irregular migrants (including rejected asylum seekers) are particularly caught up in precarity and precarious life-worlds. At the same time, they introduce the concept of *hyper-precarity*, exploring appropriate ways to theorize and empirically validate it (2015). Referring to their research, Bales and Mayblin (2018) conducted an analysis of the 'hyper-precarious' conditions of ARs in the UK detention system. In turn, Lilja et al. (2019) situate 'precarity' in the context of time and space constructions, citing the experiences of forced migrants in

Sweden. Wyss and Fischer (2021) analysed how constant uncertainty, combined with the imperative to integrate, affects the lives of Afghan refugees in Germany and Switzerland.

The concept of precarity in the synthesized studies was usually linked to a discussion of neoliberalism. We find references to conditions stemming from neoliberal trends in migration and asylum management (Vickers, 2015; Wyss and Fischer, 2021), to labour organisation in a neoliberal order (Sager, 2015), or the links between neoliberal work and welfare systems (Lewis et al., 2015, 2016). Alongside this, Waite, and Lewis (2017) address the *sharing economy* in neoliberal capitalist societies.

Publications explored how changes in migration and asylum policies may affect the incidence of exploitation among ARs (Lewis et al., 2017; Pradella and Cillo, 2020). Vickers (2015) considered issues of forced dispersal, and the work ban of ARs in the UK, pointing to the role of these two factors in producing a repressive system. Sager (2015), in turn, analysed the evolution of “queue-jumping” reforms and how this has led to stronger links between asylum and labour migration policies. Another important synergy is the research on marginalization, exclusion, and their consequences (Freedman, 2015; Gebreyesus et al., 2018; Pelek, 2019). Melossi's (2021) research on the MARS' presence in the Italian agricultural sector (referring to the so-called “tomato ghettos”) points to the role of migrants' segregation in ‘border areas of invisibility’ to create a reserve army of labour force, and *replaceable workforce of non-citizens*.

Less visible threads in the overall cross-section of studies include border management and migration control (Canning, 2020; Freedman, 2015), the politics of deterrence, and border militarization and their impact on the increased risk of exploitation of those seeking international protection (Pradella and Cillo, 2020).

Common Findings and Main Conclusions

The thematic diversity of the included publications did not inhibit common conclusions. We have divided these into four main areas.

- **The Importance (or Unimportance) of The Socio-Legal Status of MARs.**

Migrant victims/survivors of exploitation and forced labour form a spectrum of different socio-legal statuses (Waite and Lewis, 2017). In the included works, exploitation is accompanied by two main concerns: "the doctrine of illegality" and "deportation in everyday life" (Mai, 2016; Pelek, 2019; Sager, 2015; Waite et al., 2015). Instruments of state power such as detention or deportation reduce migrants to a “deeply interiorised mode of being” (Waite et al. , 2015, p. 151). This in turn functions as a disciplinary mechanism (Dwyer et al., 2016; Lilja et al., 2019; Pradella and Cillo, 2020; Wyss and Fischer, 2021). Secondly, forms of exploitation (e.g., overtime, wage withholding, outrageous working and living conditions) arise from the employer's instrumental exploitation of migrants' precarious socio-legal status (Pelek, 2019).

Among highly vulnerable groups, the most frequently identified were refused asylum seekers and irregular (undocumented) migrants, but also migrants who are victims of human trafficking (even before

their stay in the host country) (Melossi, 2021; Pelek, 2019; Waite et al., 2015). Some pointed to newly arrived migrants during asylum procedures (Gebreyesus et al., 2018; Lilja et al., 2019). These are groups who routinely experience 'enforced destitution' due to the deliberate restriction of their rights. As an example, Gebreyesus et al. (2018) highlight the marginalization of ARs in Israel. They identify two main factors that increase the risk of sexual violence and exploitation, including political exclusions resulting from temporary status and associated economic exclusion. The multiplicity of different forms of exploitation and decisions to engage in forced labour points to the 'varieties of unfreedom' that result from limited socio-legal status, and which make forced labour more likely in vulnerable migrant populations (Dwyer et al., 2016; Janmyr, 2016; Waite et al., 2015).

There is also a dimension of the 'irrelevance' of what socio-legal status migrants represent once they have interacted with the asylum system. Some work indicates that assured legal status does not guarantee the safety of ARs (Wyss and Fischer, 2021). This is highlighted by the fact that serious labour exploitation also occurs among refugees with the right to remain and legal access to work or welfare (Mai, 2016; Waite et al., 2015). Status regularization does not solve the problem of labour exploitation among migrants if it is not supported by improvements in common labour rights.

Moreover, researchers recall exploitation through the asylum system itself. This refers to migrants being guided to apply for asylum and then targeted for exploitation (Dwyer et al., 2016). Kemp (2017) points to a new practice called 'exploitation of Somali status'. The commodity is not labour or sex, but status itself. Status exploitation through marriage to Somali women serves to satisfy the political needs of those who have failed to receive international protection. However, this does not preclude further exploitation. Somali women, by virtue of their recognised international protection, are vulnerable to exploitation by the same forms of protection that were intended to reduce the threat.

Some studies highlight the complex combination of factors that influence the decision to undertake irregular work, often resulting in exploitation. The decision may be triggered by a crisis, by the need to send remittances to family, by legal costs associated with the asylum procedure or by the desire and/or need to give money back to their hosts (reparations).

- **Migration and Asylum Policies Generate Precarity and Vulnerability to Exploitation.**

Several studies discuss how changes made to asylum/migration policies tend to create a hostile environment for forced migrants. In the synthesis, these were mostly post-2013 changes⁵⁹. These are manifest in increased immigration control, privatization, and externalization of policies. In addition, they operate through forms of exclusion from housing and banking, public services, and prohibition of work at specific stages of the asylum process (Hodkinson et al., 2017; Park, 2015).

⁵⁹ Among others, the following were pointed out: *Immigration Act 2014*, *Immigration Act 2016* in UK, and the *Salvini Decree* in Italy.

Migration processes and restrictions amplify insecurity, creating various 'unfreedoms' that can eliminate any alternative to engaging in severely exploitative work (Lewis et al., 2015; Park, 2015). Restrictive immigration/asylum policies lay the foundation for the political and economic marginalization of ARs. This can lead to expanding exploitation in workplaces, discrimination and the erosion of race relations or the deepening of social intolerance (Gebreyesus et al., 2018). Forced migrants find themselves at the intersection of insecure employment and immigration. The lack of the right to work during the asylum procedure indirectly leads to engagement in an informal labour market, often marked by exploitation (Bengali working asylum seekers in Park's 2015 research may be an example). This increases vulnerability to criminalization and thus forces migrants to comply with the state power of control and punishment⁶⁰ (Park, 2015).

Findings of Lewis, Hodkinson and Waite (2017) suggest that, in some cases, the vulnerability to destitution is an intended consequence of immigration policy. The result of the policy is entrapment in host countries as a super-exploitable workforce. Vickers (2015) presents ARs as part of a *national reserve army of labour* that disrupts international mobility and the traditional labour division of the neoliberal order. In response, asylum policy (through, inter alia, the prohibition of wage labour) deprives ARs of their rights and enforces dependence on the host state, while pushing them to the margins of an informal exploitative labour market (Vickers, 2015) or into the hands of human traffickers (Kemp, 2017).

Lilja et al. (2019), through an analysis of the Swedish reception system, point to economic uncertainty among precarious migrants which is the outcome of relations of domination, economic exploitation, and/or violence. The indicated factors interact with class, race, gender, or ethnicity. Exposed to precarity - precarious migrants become 'waiting subjects' and are portrayed as not yet 'ready' to settle in the host country. This corresponds with the experiences of precarity and *hyper-precarity* analyzed in the research of Waite et al., (2015) who suggest that deregulated labour markets and the demand for cheap labour, combined with migration and asylum policies, take away a sense of security and induce 'hyper-insecurity' among MARs. Migrants who find themselves trapped in this interaction, face a situation where the only way to meet basic needs and survive in the 'host state' is through forced or slave labour.

Bales and Mayblin (2018) also allude to 'hyper-precarity' when examining unfree labour of migrants in UK detention centres. They show that because of the uncertainty continuum (e.g., regarding length of detention), detained migrants are more likely to accept low-paid work, despite awareness of exploitation. By prohibiting the right to work after release, unfree labour in detention can push migrants towards more exploitative forms. Detention work is an internal labour market, characterized by low wages and exploitation. However, it represents the sole opportunity to make money and a chance for fulfilling basic needs. Although it does not meet all the conditions of forced labour as defined by the ILO, it is considered bonded labour, as immigration status intersects with social, economic, and legal relations (Bales and Mayblin, 2018).

⁶⁰ Park (2015) refers to the works of Foucault, including *Society Must Be Defended* Lecture Series, 1976.

Janmyr (2016) introduces the notion of 'producing vulnerability' using the example of Syrian refugees and the restrictive changes to their reception policies in Lebanon. The term indicates a policy that targets the deprivation of migrants' basic rights to reject their presence, while facilitating their exploitation. Janmyr analyses the introduction of a sponsorship system, the so-called *kefala system*⁶¹, which increases vulnerability towards submitting to government-sanctioned exploitation. This research shows that the relationship between actors in sponsorship resembles that of 'child-parent' or even 'master-servant'. The factors that determine consent to exploitative conditions are the fear of dismissal and consequently, deportation. Based on these findings, Syrian refugees are left with two options: either leave the country or stay and accept exploitation and marginalization (Janmyr, 2016).

The notion of 'vulnerability' is central to synthesized research (Dwyer et al., 2016; Gebreyesus et al., 2018; Kemp, 2017; Park, 2015; Waite and Lewis, 2017; Wyss and Fisher, 2017). Pradella and Cillo (2020) join this discussion by pointing to the role of EU border militarization. As they report, border militarization has reinforced the violent system of detention and the risk of forced labour. It detains migrants in Libya's 'modern slavery', but also pushes them into Europe, where the risk of exploitation of vulnerable, cheap labour continues to increase (Canning, 2020).

- **Labour Exploitation and Forced Labour of ARs as a Continuum.**

Another common finding in the publications reviewed here includes the nature of exploitation and forced labour as a continuum. The continuum of unfreedom is manifested by overlapping factors at different stages of migration. Some of these include low levels of education and social standing, poverty and debt bondage, or family maintenance pressures (Park, 2015; Pelek, 2019). In addition, the mode of recruitment and entry may render some migrants more vulnerable to exploitation in the host country (Melossi, 2021; Pradella and Cillo, 2020). Socio-legal status, lack of knowledge of one's rights, marginalization, and criminalisation contribute to movement along a continuum of unfreedom, often leading directly to forced labour (Mai, 2016; Melossi, 2021; Waite et al., 2021). This can be compounded by reliance on legislators and restrictive asylum and labour law policies (Gebreyesus et al., 2018; James, 2021; Waite & Lewis, 2017).

Understanding the exploitation continuum also includes links between migrants' experiences in transit countries (where they often experience labour exploitation, e.g., Libya) and host countries (e.g., Italy). The former can take on a disciplinary role. That is because working conditions in the host country may appear to be easier than the severe exploitation and forced labour at previous stages of migration (Kemp, 2017; Pradella and Cillo, 2020).

⁶¹ The sponsorship system adapted in Lebanon (previously for third-country migrants and domestic workers, and today for Syrian refugees) means that the employer takes full responsibility for the person. The sponsor bears the Syrian refugee's living expenses and is responsible for his misdemeanors. He or she is obliged to certify for him or her with the Central Security Office (Janmyr, 2016).

Exploitation is thus not a 'one-off' incident, it is a process (Wyss & Fischer, 2020). ARs are forced to comply with neoliberal integration requirements to avoid deportation. Often, after leaving an exploitative job, migrants take up other work under similar conditions. It can therefore be extremely difficult to leave the path of exploitation in the perspective of its continuum. International political-economic power relations are also involved in the process (Gebreyesus et al., 2018; James, 2021; Sager, 2015). Asylum seekers are increasingly moved out of asylum legislation, into the domain of labour migration governance. ARs are forced to prove that they deserve protection based on their economic potential, rather than on their need for protection. As researchers point out, this situation is shaped by the neoliberal imperative of integration and its impact on refugee reception (Janmyr, 2016; Sager, 2015; Vickers, 2015; Wyss and Fischer, 2020). Wyss and Fischer (2020) invoke the 'logics of human hierarchy', a concept which determines how states define who matters and who does not. It indicates that receiving states only fulfil their legal obligations to ARs to the minimum. The minimum, i.e., the point at which migrants are merely protected from physical death (not always), disregarding the long-term consequences along a continuum of exploitation and insecurity.

- **Recommendations Included in The Synthesized Studies.**

Another common element is that few studies included recommendations for further research ($n = 7$)⁶². Even fewer ($n = 6$) indicated practical recommendations⁶³ to counter the problem. I found common points among the recommendations for practical responses including: the need to extend ARs' right to work and access to the formal labour market, as well as ensuring that all irregular migrants (albeit those denied asylum) have the right to stay and claim benefits (Bales and Mayblin, 2020; Gebreyesus et al., 2018; Hodkinson et al., 2021; James, 2020; Park, 2015; Waite and Lewis, 2017); improving the protection of labour rights and migrant labour legislation (including targeting specific sectors, such as agriculture) (Bales and Mayblin, 2020; Pelek, 2019); changes to the control system were also considered necessary, for example by erasing from the criminal record offences related to illegal unfree labour or squatting, (Hodkinson et al., 2021); and making cultural and political changes in the societies analyzed (Melossi, 2021; Park, 2015). Recommendations also addressed improvements in migrant housing, access to banking, and the need to implement a stronger information function on the risks of exploitation and forced labour among these populations (Hodkinson et al., 2021; Waite, Lewis, 2017).

⁶² I refer to these later in Table 4.

⁶³ Recommendations for policy makers and actors such as NGOs or international organizations, local governments, etc.

3.3. Discussion

The discussion includes a presentation of the review's limitations. Further, I discuss the results of mapping and in-depth synthesis. Finally, I provide a conclusion and discussion of the review's implications for further research.

3.3.1. Study Limitations

I identified two main potential limitations in the review: the language limitation to English and bias in the identification of studies. I tried to tackle the problem through a complementary search strategy and ten databases, as well as the collaboration of two reviewers. Beyond this, I am aware of coding bias. Any disagreement on this issue was resolved between the first and second reviewers. In addition, I used MAXQDA software to streamline the process. I keep a codebook available.

Another weakness may be the failure to assess the bias of the included studies. However, I used a *Quality Assessment Tool* (see Table 4) to reduce the risk⁶⁴. In addition, I assigned a third reviewer to evaluate 20% of the mapped studies ($n = 15$). The results indicated consistency between reviewers: 93% agreement in terms of inclusion/exclusion of works from the synthesis. Cohen's Kappa was 0.81 – indicating almost perfect agreement. In assessing the quality of the studies, I gave the same score on a scale of 0-18 in 86% of cases ($n = 13$). In the remaining cases ($n = 3$), our concordance remained at 79%.

3.3.2. The Systematic Map

Some of the publications that were ultimately not included in the synthesis offered interesting empirical material that may have implications for further research. However, it was not possible to include them in the synthesis, as the methodological indications were too weak or unclear, and the conclusions were not always thoroughly grounded in the research findings. Another reason was the thematic divergence with my research questions.

The overrepresentation of qualitative approaches is typical in the study of phenomena like forced labor and human trafficking. This is especially evident in research involving hard-to-reach populations. Frequently chosen exploratory research may not necessarily be a shortcoming, with proper argumentation

⁶⁴Risk of bias is the probability that features of the study design or conduct will provide misleading results. *A selection bias*: introduced during the collection of primary resources for the review. If it is not exhaustive, this can lead to over or underestimation of the results. *A coding bias* concerns the coding reliability, and it is suggested (based on 'evidence-based' practice) - to use multiple coders (rather than a single one). *A risk of bias in included studies*: evaluation of all included studies for risk of bias (for example, results may be consistent between studies, but all studies may be flawed).

and reporting of the methods used. This was lacking in many of the papers. The problem with a high volume of qualitative research has already been pointed out by Cockbain et al. (2018). Some of the insights, as well as the format of this literature review, correspond with their conclusions. An exploration of the most discussed concepts mainly emerged the role of asylum policy in relation to labour exploitation and forced labour of ARs. While a detailed response is provided within the articles included in the synthesis, a focused systematic map raises several useful Insights.

- a. Asylum and immigration policies create vulnerability and insecurity through poor labour market integration (Monzini, 2015; Poppi and Travaglino, 2018), lack of right to work, restrictive welfare systems, or the exclusion of MARs from building their livelihoods and self-reliance (Alemi, 2018; Canning, 2020; Della Puppa and Sanò, 2021; Moreh, 2021; Zuntz, 2021). It also creates exclusion and arginalization from society, through violent detention systems (Hirschler, 2021; Palmary, 2016) or inadequate reception systems (Canning 2020; Freedman, 2015; Fili & Xythali, 2017) and poor-quality asylum procedures (Oliviera, 2018). According to Canning (2020), exploitation and injustice are produced by state structures and their collaboration with corporations. These relationships reflect the image of domestic violence perpetrators and lead to the erosion of migrants' autonomy and basic sense of security.
- b. The importance of the socio-legal status of asylum seekers and refugees determines their vulnerability to labour abuse, trafficking and forced labour in host countries (Canefe, 2018; Chakraborty & Bhabha, 2021; Hernandez & Rudolph, 2015). Asylum seekers (in process or those denied protection) (Traindafyllidou and Bartolini, 2020) and undocumented migrants (O'Kinneide, 2020; Howard and Forin, 2019; Rojas-Matas, 2021) were identified among the most vulnerable. Women MARs are particularly vulnerable to exploitation (mainly sexual) (Freedman, 2015; Gebreyesus et al., 2018; Oliveira, 2018; Pascoal, 2020). However, it does not exclude those with full international protection from being vulnerable to exploitation (Henry, 2018; Hernandez & Rudolph, 2015).

In the reviewed studies, the concept of vulnerability was discussed in two contexts. Firstly, it pertained to migration and labor policies, as well as international protection regime structures. Secondly, vulnerabilities were the outcome of individual or natural factors (such as origin, gender, age, and socio-legal status). However, the notion of vulnerability is so widely used that it has become a self-explanatory phenomenon. Most studies in the systematic map omit an analysis of this term.

Almost none of them provide a definition of vulnerability ($n = 19/20$). This agrees with the findings of Gilodi et al. (2022) and Phillips (2023), who critically reviewed the intricate concept and its possible unintended effects on ARs. Brown (2011, 2017) emphasized the need for cautious application of the concept, highlighting its uncritical usage. Moreover, definitional gaps in "vulnerability" may result in ineffective attempts to address the issue (Freedman, 2019). There is also critical scrutiny of the overuse of vulnerability-based approaches, especially in the context of exploitation and forced labor (Phillips, 2023).

- c. Asylum and migration can lead to arginalization rather than enhancing the integration of MARs (Cavanna, 2018; Hernandez and Rudopha, 2015; Jubany, 2017; Kreichauf, 2020; Rojas-Matas, 2021).

In the studies I reviewed, researchers often discussed the impacts of asylum and migration policies. However, there's a gap in publications that evaluate and analyze efforts aimed at tackling this problem (UNDOC, 2016). This idea is further supported by the findings of Dell et al. (2019) on a larger scale. When it comes to asylum and forced labor, researchers haven't been asking crucial questions: What interventions have been implemented to address the issue? What impact have they had, and which ones have fallen short? This aligns with the conclusions drawn by Cockbain et al. (2022). Additionally, they attempted to fill this gap by studying the situation of Ukrainian refugees (Cockbain et al. 2022). Nonetheless, the problem of insufficiently examining actions against forced labor isn't limited solely to asylum seekers and refugees (Dell et al., 2019; Villacampa et al., 2022).

- d. Finally, researchers have pointed to the inherent need to analyse ARs' forced labour within a broader perspective of arginalizati, or neoliberal labour markets and their nature (Howard and Forin, 2019; Pasqualetto and Percocco, 2020). Some have pointed out the need to understand the conflict of interests between states and ARs. Conflicts can revolve around rights of protection, immigration control, and the construction of neoliberal labor markets (Brittle, 2019; Freedman, 2018; Hirschler, 2021; Soltis and Diaz, 2021). There is a need to adapt asylum policy to the framework of global processes such as arginalizati/outsourcing or labour market exploitation precisely (Traindafyllidou and Bartolini, 2020; Anderson, 2017).

Harkins (2017) highlights that negligence in collecting and analyzing data has caused discussions to persist without a strong empirical basis. A rare instance in the realm of neoliberal markets is seen in Lewis et al.'s research (2017), which is grounded in robust empirical evidence. Following Cockbain's (2018) and Bakewell's (2008) suggestions, before delving into broader topics like globalization and neoliberal market structures, researchers should prioritize building empirically solid studies.

Drawing on DeWind's metaphor (2020), our current understanding of forced labor among ARs is akin to a skeletal framework. What we now require are the muscles, in the form of concrete empirical data and identification of specific needs related to forced labor and asylum. Without this, further studies may simply become secondary X-rays, revealing the already known skeletal structure (Levy et al., 2020; Pisarevskaya et al., 2019).

3.3.3. The Synthesis

Research on the interplay of forced labour with migration and asylum policy, as this review shows, was mainly qualitative. In methodological terms, the biggest shortcoming of the included studies was the lack of rigorous reporting of data collection and analysis methods. All the papers adopted purposive sampling. While the lack of random sampling may be considered a drawback, it is nevertheless justified and is a common practice in analysing hard-to-reach populations, but also hard-to-reach topics such as forced labour and trafficking research.

This observation is supported by Sulaiman-Hill and Thompson (2011) and Ellard-Gray et al. (2015), who highlight challenges in sampling hard-to-reach populations, including mistrust, marginalization, stigma, and fear of legal repercussions. Similarly, the general consensus is that there is no discussion of their mitigation (Wenzel et al., 2022). Furthermore, a growing number of scholars (although not in synthesized works) acknowledge the importance of involving communities and using methods like *Respondent-Driven Sampling* (RDS) or *Time-Location Sampling* (TLS) to tackle these difficulties (Barrick and Pfeffer, 2021; Pötzschke and Rinken, 2022; Raifman et al., 2022; Tyldum 2021).

Within the synthesis, I encountered no novel sampling methods. Nevertheless, examples of such approaches emerge in the discussion about reaching hard-to-reach populations (Behr, 2022; Eckman and Himelein, 2022). These include using social media platforms (Roscheva et al., 2022) and web-based RDS (Górny and Salamońska, 2022). This applies to both refugee studies (Heinritz et al., 2022.; Wenzel et al., 2022) and research on human trafficking (Barrick and Pfeffer, 2021).

My results reveal that research limitations are too rarely addressed. Only a few papers have extensively addressed the obstacles encountered (Gebreyesus et al., 2018; Wyss and Fischer, 2021). These works highlighted the concern about limitations in the representativeness of the phenomenon. It has been pointed out that an account of individuals from one sector (e.g., Eritrean women in Israel working as domestic workers) may not reflect and describe comprehensively all the possible circumstances surrounding the marginalization and labour exploitation of this group (Gebreyesus et al., 2018).

Kangaspunta (2007) emphasized the difficulty of generalizing data. Additionally, time limitations and the unequal researcher-participant dynamic were noted. This is sometimes determined by the privileged position of the researchers (European white academics conducting research on the precarious status of irregular residents) (Wyss & Fischer, 2021). Engaging in self-reflection about the researcher's role becomes pivotal to evade flawed generalizations (DoCarmo, 2020). This process enhances precision and fortifies the ethical underpinning of the study (Manohar et al., 2019).

The findings correspond with Cockbain et al.'s conclusions (2022) and Russell's literature review (2018). Moreover, the discussed and persisting limitations include issues like data availability (Frank, 2013; Kangaspunta, 2007; Laczko and Gramegna, 2003; Russell, 2018), the impact of bias (Tyldum, 2011), legal and institutional barriers (Bragg, 2021), and ethical reflections (Clark-Kazak, 2017; Tyldum and Brunovskis, 2005). SRs also point to the need to develop an ethical discussion. This encompasses not just data

collection but also designing research, negotiating access to participants and generalizing respondent experiences (Russell, 2018; Surtees, 2014). Ethical dilemmas also extend to results presentation and its effect on policy, interventions, and public perception (DoCarmo, 2020). This is particularly relevant for studies where the research sample is represented by MARRs, often victims of human trafficking and forced labour. Few publications have highlighted basic ethical issues such as anonymization of collected accounts or the need to provide information to research participants, specifying the purpose and exact interests of the researcher (; Kemp, 2017; Waite and Lewis, 2017; Wyss and Fischer, 2021).

Mai's (2016) publication is noteworthy for its clear indication of a participatory ethical approach, involving research participants in question formulation, data collection, and analysis, particularly migrants working in the sex sector. Similarly, Dwyer et al. (2016) provided high-quality reporting on ethical issues, guided by two key principles: anonymity and informed consent. They also detailed interview locations, the role and presence of interpreters, and gratuities for participants.

Except for a few instances, studies have generally overlooked discussions on ethical considerations and associated limitations. Despite conducting interviews with trafficking victims and ARs, there has been no mention of victim sampling methods. Additionally, there is a noticeable absence of descriptions regarding how and where ARs were sampled, which corresponds with the findings of Cannon et al. (2016). This omission raises concerns, such as relying on samples of survivors involved in social activities, which may represent a specific subgroup and not be representative of all victims. Farrell and Bright (2016) highlighted that interviews with trafficking survivors can sensationalize the issue and emphasize the most shocking cases, potentially compromising the integrity of data analysis (Aldridge, 2017; DoCarmo, 2020). Providing details on participant recruitment methods could help mitigate these limitations (Coutin and Vogel, 2016).

Ethical considerations also prompt reflection on how participants are represented in research and whether the findings can be situated within a broader social context beyond individual respondent situations (Barrick and Pfeffer, 2021; DoCarmo, 2020; Seal, 2017). DoCarmo (2020) has outlined pivotal questions concerning these aspects, providing valuable insights for the future.

Conclusion and Further Research

In Table 10, I present recommendations for further research. On the one hand, I point to those identified in reviewed studies. On the other, those which (based on the results of this review) I consider worthy of further scientific attention.

Table 10. *Recommendations for Further Research*

Recommendations for Further Research	
From papers reviewed	EmergEd from this review
Exploring how transnational social positions of forced migrants and livelihood pressures contribute to the need to engage in unfree labour (from a global perspective) (Lewis and Waite, 2017).	The relationship between capital, labour, and mobility of MARRs. Inclusion of race, class, and gender in analyses of ARs exploitation (e.g., analyzing the position of ARs in the new precariat social class).
Critically examining issues of citizenship, labour rights and migrant exclusion in host countries (Sager, 2015; Hodkinson et al., 2021).	The ambiguous position of ARs in the international division of labour, with examples of specific procedures and practices.
Quantitative research that could make use of divided (and dual) labour market theory, or group conflict theory (Pelek, 2019).	The class position of refugees in the international capitalist system.
The interplay between asylum and work in the daily lives of ARs (Kemp, 2017; Sager, 2016; Waite and Lewis, 2015).	Research about ARs exploitation in specific market sectors.
Further research using the Zimmermann model ⁶⁵ . To determine if and how experiences in the migration cycle, at the country-of-origin stage and during transit, influence experiences of sexual violence or forced labour in destination countries (Gebreyesus et al., 2018)	Research on a continuum of exploitation considering the specific mechanisms and elements of individual labor, asylum, or migration policies in host countries.
Types of interests between the state and ARs and their regulation (Lewis and Waite, 2017).	Institutionalized (or governmental) insecurity among ARs in host countries (especially in the so-called "Global North" host countries).
Exploring how persistent conditions of structural violence towards migrants are produced (Hodkinson et al., 2021).	The specific role of asylum and labour regimes in generating exploitation. Like a <i>status of paradox</i> : Considering <i>Needs Led Research</i> (NLR) and <i>Evidence Based Research</i> (EBR) when posing questions ⁶⁶ .
The impact of migration and asylum policies on the lives of ARs and their survival strategies (Wyss and Fischer, 2021).	Analyzing the specific labour situations of ARs, their needs and survival strategies (which may contribute to the evolution of intervention research). Studies must consider specific subgroups of ARs (e.g., those in the process of asylum procedures, those remaining in the country whose applications have been rejected, asylum seekers who were previously victims of exploitation and trafficking, etc.).
The trajectories of asylum seekers in host countries, in relation to the formal/informal labour market (Park, 2015).	Research on the relationship between employers and ARs in the labour market (formal and informal).

Source: Own elaboration

⁶⁵ The Zimmerman's model defines contemporary migration as "a multi-stage cycle that can be entered multiple times, in different ways, and that can take place within or across national borders". It includes several stages of migration: pre-departure, travel, destination, interception; and return.

⁶⁶ NLR assumes that new research "should be aimed at answering evidence gaps based on a systematic review *and* the needs, priorities from users and society" (Ormstad, et al., 2021).

Following the research questions, my review demonstrates that the connections between forced labor, exploitation, and asylum and immigration policies are examined through the perspective of socio-legal status. These policies and the international protection regime exacerbate the precariousness and vulnerability of ARs to exploitation. Additionally, the review reveals that exploitation is dynamic, manifesting as a continuum of experiences and evolving circumstances.

The review reveals the problem of asking too broad questions in strictly labor exploitation studies. I call this the "detail deficit". It is also confirmed by the lack of methodological rigor (including a lack of questions and reporting on gender, nationality, age, class, etc.). The *detail deficit* is particularly evident when compared to research on sexual exploitation. The dominance of research in this area among ARs has made it possible to learn about the patterns of the problem across different factions of the sex industry, to include all forms of the process (from traditional ones to indoor to online exploitation) (Szulc and Szymaniak, 2023).

In forced labor research, on the other hand, we already know enough about the vulnerabilities of ARs, and the precarious situations produced). There is insufficient data on how migration and asylum policies and their procedures contribute to this issue. There is also a lack of knowledge about the ways in which forced labor occurs in specific sectors. Moreover, addressing solutions for the entire labor market is unnecessary, as different sectors have unique challenges(Szulc and Szymaniak, 2023. These conclusions align with the findings of Banerjee and Duflo (2020).

3.4. Conclusion

My systematic review includes studies that address specific questions, such as forced-dispersal mechanisms, 'queue-jumping,' and the impact of labor bans for ARs in the UK. Including socio-legal status is a positive step towards adding detail to the research. I emphasized the need for detail in the recommendations for future work (see Table 10). This review aligns with the increasing demand for Evidence-Based Research (EBR). Consequently, I used the review results to create a new research project and guide the research in this dissertation (Szulc and Szymaniak, 2023).

4. Asylum procedures and the refugee protection in Italy

4.1. Introduction

Ensuring the effective execution of refugee rights within refugee regimes hinges on appropriate, fair, and efficient procedures. The rights guaranteed to individuals under international and EU law would be rendered ineffective if not implemented within the administrative processes of member states (Reneman, 2014; Schwarze, 2004). While the Geneva Convention does not delineate specific procedural requirements, it imposes an informal obligation on states to establish efficient legal and administrative mechanisms (Botero and Jens Vedsted-Hansen, 2021). Securing protection from threats in host countries and mitigating future risks requires "sensitive communication methods and an objective assessment of risk" (Costello, 2006; after: Reneman, 2014).

This chapter aims to analyze asylum procedures and their execution across three distinct stages: access to procedures and registration, identification processes, and procedures governing two levels of reception. Additionally, it seeks to assess how Italian practices meet the objectives of the Directive on Asylum Procedures (APD) and to identify potentially related challenges. The goal is to answer the question: to what extent do the procedures ensure effective access to rights and protection for asylum seekers?

The analysis, based on European Union procedures, focuses on their practice and implementation in Italy. Each subsection concerning procedures includes a description of the scope, process, and guidelines indicated by the European Agency for Asylum (EUAA, formerly the European Asylum Support Office, EASO). Then, I present examples of practices in Italy, referring to the three goals set out in the Directive on Asylum Procedures (APD) (recast): ensuring effective access to procedures, guaranteeing proper administration of procedures, and ensuring the right to appeal (EASO, 2018).

Each subsection concludes by identifying the "challenges" accompanying the fulfillment of these provisions and the protection of refugees. The APD (recast) outlines uniform procedures for international protection across the EU, specifically targeting the procedural aspects of the asylum process, which align with my analytical focus. Moreover, the emphasis on procedural fairness and efficiency is closely linked to broader theoretical concerns about justice, rights protection, and the state's obligations to ARs. This makes it a suitable legal framework for discussing empirical findings related to forced labor and structural injustice, as it offers a normative basis for evaluating the adequacy of state practices. The chapter concludes with a focus on procedures for vulnerable populations and explores the cooperation between Italy's anti-human trafficking network and the asylum system.

In this chapter, I rely on the qualitative thematic analysis of secondary data to identify common themes and challenges in the implementation of the procedures⁶⁷. In terms of thematic delimitation, the focus is on

⁶⁷ The identification of challenges in practice and legal evaluations primarily relied on data collected by ASGI (Association for Juridical Studies on Immigration) along with their legal analyses, including case studies, as well as reports from international and local NGOs, and organizations responsible for monitoring the situation of refugees and implementing asylum procedures, such as AIDA (Asylum Information Database).

the procedures from the perspective of the host country. The aim of this chapter was never to fully evaluate or track all of the changes occurring in international, EU, or Italian law, nor presenting its comprehensive scope.

Nevertheless, an overview of asylum procedures and the practice of their implementation in Italy is essential for understanding the empirical research findings. The chapter, along with its accompanying discussion, should be considered as context for the empirical results. The selection of certain topics for further research, while simultaneously omitting others, inherently involves a subjective element of choice.

My selection represents what I consider to be the most pressing issues, particularly in the context of further exploring the relationship between the asylum procedures and forced labor⁶⁸. In the *Results* section, I outline how the procedures described, along with the guidelines, resonate with the issue of forced labor in Italy. Subsequently, in the final *Discussion*, I integrate the described practices with empirical findings concerning the relationship between these procedures and forced labor, ultimately situating them within the theory of structural injustice.

The starting point for the functioning of asylum procedures in EU member states is the Directive on Asylum Procedures 2013/32/EU (referred to as the recast APD). It also serves as the foundation for actions within the Common European Asylum System (CEAS). The evolution of the Asylum Procedures Directive (APD) has undergone two key phases. The first phase involved the introduction of the Directive on Asylum Procedures 2005/85/EC (APD), which came into effect on January 2, 2006, establishing minimum standards for the granting and withdrawing of international protection status. According to the Tampere conclusions, these processes must be both fair and efficient (Cornelisse and Reneman, 2020⁶⁹). Work on the Directive was subjected to intense negotiation and criticism, with nearly 102 amendments submitted (Michelogiannaki, 2008; Zwaan, 2008; European Parliament, 2006)⁷⁰. One criticism was the considerable flexibility left to member states in interpreting these obligations (Cornelisse and Reneman, 2020).

The second stage was the Agreement on Common Asylum Procedures. The further key phase of evolution was the transformation of the APD. The amended version of the Directive came into force on July 19, 2013. This transformation aimed at a comprehensive and effective assessment of the needs and protection of applicants. The terminology shifted away from 'minimum standards' to focus on cooperation and harmonization of procedures (Costello, 2008; Garlick, 2021). The effectiveness and universality of their implementation were also intended to limit the secondary movement of applicants. Although the APD establishes common procedures, member states still have the flexibility to adapt them to their needs, provided that the changes remain in line with the APD (EASO, 2018)⁷¹. Below is a list of procedures outlined in the Directive.

⁶⁸ In organizing knowledge, particularly useful were the works: of Bast et al. (2022) "Human Rights Challenges to European Migration Policy (REMAP), 2nd rev ed." and "The Oxford Handbook of International Refugee Law," edited by Costello, Foster, and McAdam (2021).

⁶⁹ See more: Presidency Conclusions of the Tampere European Council 15–16 October 1999 (SN 200/99) para 14.

⁷⁰ European Parliament, 'Legislative resolution on the amended proposal for a Council directive on minimum standards on procedures in Member States for granting and withdrawing refugee status' (14203/2004 – C6-0200/2004 – 2000/0238(CNS)).

⁷¹ The Asylum Procedures Directive (APD) applies in all EU member states, except for Denmark, Ireland, and the United Kingdom (UK), both before and after Brexit. Denmark does not participate in adopting measures based on Article 78 of the Treaty on the Functioning of the European Union (TFEU) and is therefore not bound by the Asylum Procedures Directive or its recast version. Ireland and the United Kingdom did not take

Table 11. APD (Recast) Coverage: Overview and Procedures

APD (recast)	Articles
Basic principles and guarantees	<p>Article 6: Access to the procedure</p> <p>Article 7: Applications made on behalf of dependents or minors</p> <p>Article 8: Information and counselling in detention facilities and at border- crossing points</p> <p>Article 9: Right to remain in the Member State pending the examination of the application</p> <p>Article 10: Requirements for the examination of applications</p> <p>Article 11: Requirements for a decision by the determining authority</p> <p>Article 12: Guarantees for applicants</p> <p>Article 13: Obligations of the applicants</p> <p>Article 14: Personal interview</p> <p>Article 15: Requirements for a personal interview</p> <p>Article 16: Content of a personal interview</p> <p>Article 17: Report and recording of personal interviews</p> <p>Article 18: Medical examination</p> <p>Article 19: Provision of legal and procedural information free of charge in procedures at first instance</p> <p>Article 20: Free legal assistance and representation in appeals procedures</p> <p>Article 21: Conditions for the provision of legal and procedural information free of charge and free legal assistance and representation</p> <p>Article 22: Right to legal assistance and representation at all stages of the procedure</p> <p>Article 23: Scope of legal assistance and representation</p> <p>Article 24: Applicants in need of special procedural guarantees</p> <p>Article 25: Guarantees for unaccompanied minors</p> <p>Article 26: Detention</p> <p>Article 27: Procedure in the event of withdrawal of the application</p> <p>Article 28: Procedure in the event of implicit withdrawal or abandonment of the application</p> <p>Article 29: The role of the UNHCR</p> <p>Article 30: Collection of information on individual cases</p>
Procedures at first instance	<p>Article 31: Examination procedure</p> <p>Article 32: Unfounded applications</p> <p>Article 33: Inadmissible applications</p> <p>Article 34: Special rules on an admissibility interview</p> <p>Article 35: The concept of first country of asylum</p> <p>Article 36: The concept of safe country of origin</p> <p>Article 37: National designation of third countries as safe countries of origin</p> <p>Article 38: The concept of safe third country</p> <p>Article 39: The concept of European safe third country</p> <p>Article 40: Subsequent application</p> <p>Article 41: Exceptions from the right to remain in case of subsequent applications</p> <p>Article 42: Procedural rules</p> <p>Article 43: Border procedures</p>
Procedures for the withdrawal of international protection	<p>Article 44: Withdrawal of international protection</p> <p>Article 45: Procedural rules</p>
Appeals procedures	<p>Article 46: The right to an effective remedy</p>
General and final provisions	<p>Article 47: Challenge by public authorities</p> <p>Article 48: Confidentiality</p> <p>Article 49: Cooperation</p> <p>Article 50: Report</p> <p>Article 51: Transposition</p> <p>Article 52: Transitional provisions</p> <p>Article 53: Repeal</p> <p>Article 54: Entry into force and application</p> <p>Article 55: Addressees</p>

Source: based on EASO (2018) *European Asylum Support Office Asylum Procedures and the Principle of Non-Refoulement. EASO Professional Development Series for Members of Courts and Tribunals*, 2018.

part in adopting the recast version of the Asylum Procedures Directive, but since they opted into the 2005 Asylum Procedures Directive, they remain bound by it (European Commission, 2023).

In July 2016, the European Commission (EC) presented a proposal to replace the Asylum Procedures Directive (recast) with a regulation. According to the Commission's proposal, only a regulation, with its direct application, could guarantee the effectiveness of procedures. However, this proposal was not accepted. Subsequent steps were taken as part of preparing the New Pact on Migration (EASO, 2018). The proposed changes included simplifying procedures that were too varied across individual member states and introducing shorter deadlines for applicants. The aim was to ensure guarantees protecting the rights of applicants, such as access to appropriate and timely information or legal assistance (Garlick, 2021; Pollet, 2017). There were also discussions about introducing stricter rules (and the consequences of not adhering to them) to prevent abuses of the system. Issues regarding the need for clear rules on the concepts of safe third countries and the first country of asylum were addressed (O'Sullivan and Stevens, 2017). Additionally, attention was drawn to the special procedural needs of vulnerable populations (e.g., unaccompanied minors or victims of violence and human trafficking) (European Commission, 2020; Pollet, 2017).

The three main objectives of asylum procedures, based on the Asylum Procedures Directive (APD), are as follows:

1. Ensuring **effective access** to procedures (access to procedures encompasses both the rights and obligations of applicants).
2. Guaranteeing **proper administration of procedures** (aimed at correctly identifying and safeguarding the rights of applicants during the asylum process).
3. Ensuring **the right to appeal** (appeal against decisions made regarding their application, including in the context of Dublin III regulations) (EASO, 2018).

Tables 12. and 13. shows the categories identified by ECRE, AIDA and EUAA.

Table 12. *Types of asylum procedures*

Category	Purpose
Dublin procedure	Procedure to determine the Member State responsible for examining an application for international protection.
Regular procedure	An examination procedure, in accordance with the basic principles and guarantees of Chapter II APD (recast), to examine and decide upon whether an applicant qualifies for international protection.
Accelerated procedure	An accelerated examination procedure, in accordance with the basic principles and guarantees of Chapter II APD (recast), in which applications may be examined if at least one of the grounds set out in Article 31(8) APD (recast) is fulfilled.
Border procedure	A procedure, in accordance with the basic principles and guarantees of Chapter II APD (recast), in order to decide at the border or in a transit zone of a Member State on the admissibility and/or the substance of an application in a procedure pursuant to Article 31(8) APD (recast).
Admissibility procedure	A procedure to determine whether an application may be considered inadmissible pursuant to Article 33 APD (recast).
Appeal procedur	Proceedings before a court or tribunal that ensures an effective appeal against decisions made under the Dublin III Regulation regarding transfer and decisions made concerning applications for international protection.

Source: own elaboration, based on: EASO (2018) *European Asylum Support Office Asylum Procedures and the Principle of Non-Refoulement. EASO Professional Development Series for Members of Courts and Tribunals*, 2018.

Table 13. *Individual phases of the asylum system along with associated procedures*

Phase	Procedures
Access to procedures and Registration Processes	Making, Registering and Lodging Procedures Border Procedure
Identification Processes	Regular Procedure Dublin Procedure Admissibility Procedure Accelerated Procedure Immediate Procedure
Reception Processes (1 st reception and 2 nd reception)	Reception Procedures

Source: own elaboration.

4.2. Asylum procedures – Scope, Process, and Practices in Italy

4.2.1. Access to procedures and registration (Making, Lodging and Registering)

“A person is a refugee within the meaning of the 1951 Convention as soon as he fulfils the criteria contained in the definition. This would necessarily occur prior to the time at which his refugee status is formally determined. *Recognition of his refugee status does not therefore make him a refugee* but declares him to be one. He does not become a refugee because of recognition, but is *recognized because he is a refugee*” (UNHCR, 2019)

Scope

“Remember that in most cases, it is you who will have the first opportunity to hear people's need for protection and their specific needs” (EASO, 2017). These reminders mark the beginning of EUAA guidelines addressed to officials responsible for receiving and registering applications for international protection (ibid., 2017). The guide highlights the crucial role of the initial stage of asylum procedures and the significance of the competence of participating agents. This stage is based on Article 6 of the recast Asylum Procedures Directive (APD), which outlines the effective initiation of the asylum procedure and defines the implications of efficient, accessible, and timely access to procedures. It interacts with Articles 7 and 8 of the APD⁷². Three stages of procedures are considered: "making an application," "registering an application," and "lodging an application" (EASO, 2020)⁷³.

Table 14. *Individual Elements of Access to Procedures and Registration*

Stage	Characteristics
Making an application	The act of expressing the intention to seek international protection by the applicant (Art. 2(b) APD).
Registering an application	The formal process of registering an application for international protection by the competent authority. This includes completing registration procedures, including the registration of the C3 form (distinct from submitting the application).
Lodging an application	Conducting administrative formalities that signify the submission of an application for international protection and confirming its delivery to the appropriate authorities (Art. 2(b) APD).

Source: own elaboration

⁷² Article 7 deals with requests made on behalf of dependents or minors. In turn, Article 8 considers issues of providing information and counseling at detention centers and border crossings (APD recast).

Process

- *Making an application for international protection in Italy*

A foreign national can apply for asylum shortly after arriving at the Border Control. If they are already within the country's territory, they can articulate their application at the Immigration Office (it. Ufficio Immigrazione) located at the police headquarters (it. Questura) (AIDA, 2023). The intention to seek international protection can be expressed verbally or in writing. Everyone has the right to make their submission in their own language with the support of a cultural mediator. The procedures are the same for both processes (ibid., 2023).

Under the Procedure Decree 21/2015, individuals seeking asylum who have expressed their intention to apply to the Border Control authorities are required to report to the Questura within 8 working days. Failure to comply, without valid justification, results in them being considered as illegally residing in Italian territory⁷⁴. The state does not provide financial support or assistance in reaching the appropriate police headquarters. Often, non-governmental organizations help in this regard (AIDA, 2020). The first step is the preliminary identification process of the foreign national and registering their arrival. This includes fingerprinting and taking identifying photographs. The procedure can be carried out at any of the mentioned locations. In Italian practice, it is referred to as "fotosegnalamento" (Art. 3(1) PD 21/2015).

The registration (i.e., the second stage of access to procedures and registration) should take place within three working days from the applicant's expression of intention. An exception is when the notification is made directly to the border control authorities, in which case it extends to 6 working days⁷⁵. The conclusion of the "fotosegnalamento" procedure involves issuing an "invito" which is an invitation to appear at the Police Headquarters (it. Questura). The purpose is to formally register the application (if it has not been done directly at the Questura) (AIDA, 2022)⁷⁶. Table 15 outlines the scope of rights and obligations for foreign nationals that come into effect after expressing the intention to seek international protection.

Table 15. *Rights and Obligations upon the Making of an Application for International Protection*

Rights/Obligations	Article	Description
Right	Art. 9 APD	Remain in the territory (in transit and border zones)
Right	Art. 12(1)(a) APD	Receive information in a language they understand
Right	Art. 12(1)(b) APD	Access to an interpreter
Right	Art. 12(1)(c) APD	Communicate with UNHCR and legal counselling organisations
Right	Art. 24(1) APD, Art. 22(1) RCD	Assessment for special procedural guarantees and/or special reception needs

⁷⁴ There is no indication of the time limit for making the first asylum application before the Questura itself, when the applicant is already in the territory.

⁷⁵ The period can actually be extended to 10 days, with an increased number of applicants.

⁷⁶ To learn more about the protocol, see: Questura - Polizia di Stato. n.d. Modulo C3 - Domanda di protezione internazionale. [Online]. Available at: <https://questure.poliziadistato.it/statics/17/modello-c3.pdf?lang=it>

Right	Art. 17 RCD	Material reception conditions that ensure an adequate standard of living
Right	Art. 17, 21 RCD	Additional guarantees for vulnerable people and those in detention
Right	Art. 8, 9, 10, 11 RCD	Legal guarantees in case of detention
Right	Art. 8 APD	Access to advice and counselling in case of detention
Right	Art. 19 RCD	Necessary healthcare
Right	Art. 24 RCD	Assistance in family tracing for unaccompanied minors
Right	Art. 12 RCD	Respect of the principle of family unity when housing is provided
Right	Art. 26 RCD	Possibility to appeal decisions related to reception conditions or freedom of movement and residence
Obligation	Art. 13(1) APD	Cooperation with the authorities

Source: own elaboration, based on EASO (2021).

- *Registering and lodging – verbalizzazione/formalizzazione*

The second stage is the formal registration of the application, which takes place at the headquarters of a designated police station. Since 2017, this process has been operationally supported by the EUAA. The registration utilizes the C3 form and includes basic information about the foreigner⁷⁷. The next step is the submission of the C3 application to the Territorial Commission, which is responsible for assessing international protection. The applicant must receive a copy of the submitted application (AIDA, 2023). Territorial Commissions for the recognition of international protection, established by Art. 32, Law No. 189 of July 30, 2002, are collegial bodies composed of four members. Two members represent the Ministry of the Interior (the president, typically from the prefectural career, and a State Police official), while the other two members represent the UNHCR and local authorities (Gallo, 2018; DL 289/2002).

In larger Italian cities, the period between "fotosegnalamento" (photographing and fingerprinting) and the registration of the application can be extended. This is due to the high number of applications and insufficient staff. Delays create a situation where foreigners may be temporarily deprived of access to reception centers and comprehensive care during this time (AIDA, 2021, 2022). Throughout the entire process, Border Services, the Immigration Office (it. Ufficio Immigrazione) of the Police, EUAA staff, and Territorial Commissions are involved (EASO, 2021).

Specialized training in dealing with vulnerable populations and knowledge about the conditions in the applicants' countries of origin are considered essential minimum requirements (AIDA, 2020)⁷⁸. Moreover, European case law mandates that states ensure both legal access in principle and in practice. If a state lacks a system for providing free legal aid, it must inform applicants about organizations that offer such assistance (MSS v Belgium and Greece, after: Botero and Vedsted-Hansen, 2017). Below is the scope of rights and obligations of foreigners pertaining to the stage of submitting an asylum application.

⁷⁷ The point of registration in Italy does not constitute an in-depth interview regarding the applicant's motives for fleeing and history (e.g., travel questions). In practice, however, there are times when registration goes beyond obtaining basic information (AIDA, 2020).

⁷⁸ In order to streamline the process, EASO/EUAA has deployed staff to assist asylum authorities with registration and applications, among other things.

Table 16. *Rights and Obligations upon the Lodging of an Application for International Protection*

Rights/Obligations	Article	Description
Right	Art. 31(3) APD	Start of the time frame for the examination procedure
Right	Art. 20(1) Dublin III regulation	Start of the time frame for the process of determining the EU+ country responsible for examining the application
Right	Art. 5 RCD	Provided with information on the benefits and obligations related to reception conditions within a reasonable time frame
Right	Art. 6 RCD	Provided with a document certifying their status as an applicant
Right	Art. 6 RCD	Possibility of obtaining a travel document for serious humanitarian reasons
Right	Art. 7 RCD	Right to move freely within the territory of the host Member State
Right	Art. 14 RCD	Access to the education system for children, not postponed for more than 3 months from the date of lodging
Right	Art. 15 RCD, Art. 4 RCD	Access to the labour market no later than 9 months from the date of lodging if a first-instance decision has not been taken
Right	Art. 16 RCD	Access to vocational training irrespective of whether or not they have access to the labour market
Obligation	Art. 13(2)(a) APD	Appearing before authorities in person at specific time, without delay
Obligation	Art. 9(1) Eurodac regulation	Fingerprints taken as soon as possible
Obligation	Art. 13(2)(b) APD	Handing over the documents relevant to the application (such as passport)
Obligation	Art. 13(2)(c) APD	Communicating applicant's address of residence and any changes thereof to the authorities

Source: own elaboration, based on EASO (2021).

A registered foreigner who has submitted an asylum application receives a "permesso di soggiorno per asilo" (residence permit for asylum), which is valid for 6 months within Italy. It is renewable until the Territorial Commission decides on the international protection application.

Asylum seekers have the opportunity to seek employment 60 days after submitting their application if the processing of their application has not concluded (Ministero dell'Interno, 2023; Commissione Nazionale per il Diritto di Asilo, 2022).

EUAA Guidelines

Location and environment: EUAA has developed guidelines for the registration and asylum application stage. These guidelines cover aspects such as the location and environment for registration, safety, and confidentiality during procedures.

- Guidelines address accessibility for individuals with disabilities, room sizes, separate entrances, and access to restrooms for different genders. The location should be accessible by public transport and housed in the same building as other administrative offices. It should facilitate private and secure conversations, fostering trust and safety (EASO, 2021).

- Safety directly impacts the quality of registration procedures. Inadequate adjustments to procedures and surroundings may discourage applicants from sharing their stories and asserting their rights (ibid., 2021). Applicants must also be guaranteed the right to confidentiality (Art.48 APD).
- Registering officers should not expose applicants or individuals dependent on them (including in their home countries) to danger (EASO, 2020).
- A good practice example is not calling foreigners by their names in front of others. An alternative approach can be using assigned numbers or tokens with numbers (EASO, 2021).

Ensuring Access to Information: those responsible for this process should enable applicants to understand their rights, obligations, and the asylum procedures.

- Applicants should receive comprehensive information about the stages of asylum procedures. Striking a balance between providing necessary information and avoiding overwhelming foreigners with excessive details is crucial (EASO, 2021).
- Applicants must be well-informed about their rights and responsibilities, as well as about the consequences of not fulfilling their duties (e.g., lack of cooperation with authorities), which may lead to the suspension of proceedings and impact the assessment of their application (ibid., 2021).
- Applicants should have knowledge of the duration of different phases of the process. Information should also include the possibility of extensions and how delays will be communicated (ibid., 2021).
- Providing information on how to present their case and evidence in the proceedings is essential. Foreigners should be familiar with the format of individual interviews and the specific information required by authorities, such as reasons for leaving their home country and the justification for not being able to return (EASO, 2020).

By ensuring access to information, authorities promote transparency, facilitate active participation by foreigners, enable informed decision-making, build trust, and enhance effective communication with authorities. Additionally, this contributes to a more efficient and equitable process for filing applications for international protection (EUAA, 2023)⁷⁹.

Data Collection During Registration: Accuracy and efficiency are essential in the registration procedure (EASO, 2021). The data gathered at this stage serves various purposes, from identity verification to identifying specific needs and sensitivities. It also helps prepare the commission for interviewing the foreigner regarding the recognition of protection. A valuable tool for registering agents is the Practical

⁷⁹ Additional tool, confirming the importance of the information provision, was created by EUAA, in 2023. To learn more, access: <https://euaa.europa.eu/sites/default/files/publications/2023-02/practical-guide-information-provision-access-to-procedure.pdf>

EASO Guide on Personal Interviews (EASO, 2014)⁸⁰. The guidelines emphasize the role of the officer responsible for registration (with the support of the EUAA, known as the Registration Officer). The registering officer does not assess the credibility of this data but should point out potential inconsistencies as guidance for the unit that will process the case. At this stage, all necessary information for further processing of the application is gathered. Biometric data (photo, fingerprints, sometimes iris scan, or voice recording) is also collected, forming an integral part of the procedure (EUAA, 2023)⁸¹.

“Rushing through the registration procedure may prove to be counterproductive at a later stage. Ensuring accuracy involves taking the time to verify the correct spelling of names, writing down what the applicant says rather than what you think the applicant intended, noting down dates in the calendar used by the applicant next to the date transposed into the Gregorian (Western) calendar, and verifying the completeness of the information and your correct understanding of the applicant’s statements (EASO, 2021, p. 33).”

The guidelines also provide numerous pointers regarding the registration of individuals with multiple names (even presenting patterns used in some African and Asian countries). It offers a precise process for recognizing and recording birthdates (EASO, 2014, 2020, 2021).

- In cases where determining the applicant's place of birth is challenging, it is recommended to utilize satellite maps, online maps, and specialized tools to help pinpoint the place of birth and residence in their home countries. Mentioned tools include OpenStreetMap and WeGo satellite maps (EASO, 2014, 2021).
- The European Asylum Agency also discusses issues related to verifying family relationships, polygamy, marriages, and divorces (potentially not recognized by European authorities), as well as adoption and foster care. The importance of checking connections and bonds between family members is emphasized (ibid., 2021).
- All held citizenships should be registered (one can be considered the primary for statistical purposes). In cases of uncertainty about one's own nationality, the individual should be registered under the "presumed nationality". Attention is drawn to the importance of early identification of doubts about nationality and indications of statelessness (EASO, 2014). A best practice involves providing the applicant with a completed form for verification, accompanied by an interpreter (ibid., 2021; EASO, 2020).

⁸⁰ To access the tool: <https://euaa.europa.eu/sites/default/files/public/EASO-Practical-Guide-Personal-Interview-EN.pdf>. In humanitarian sector the term “tool” is describing mostly methods and techniques to gather, or analyze data, as well as set of guidelines that support this process.

⁸¹ All EU+ countries collect basic personal data from applicants at the registration stage. This basic data includes the applicant's name, date and place of birth, nationality, identity document information, gender, marital status and contact information, as well as data on ethnicity, religion, health, education and occupation (EASO, 2020). It is also good practice to collect data on the itinerary (all countries passed through or in which they stopped for an extended period of time), or how they arrived in the EU. Data on family composition is also recorded (including family members already in the EU).

Access to procedures and registration in Italian practice

The APD objectives aim to ensure effective access to procedures, guarantee the proper administration of procedures, and uphold the right to appeal. Comparing these objectives with the real practices in Italy reveals discrepancies and areas for improvement within the asylum process. Organizations monitoring asylum procedures and ARs' rights in Italy have pointed out several irregularities, including:

Table 17. *Access to procedures and registration in Italian practice*

Objective	Issues Identified	Details
Ensuring Effective Access to Procedures	Lack of documentation upon asylum application	In some Police offices, ARs do not receive a document confirming their intention to apply for asylum. This can increase the risk of their detention and deportation (AIDA, 2022, 2023).
	Reduced access to information	Migrants are given untranslated "foglio notizie" (eng. information sheet) without the support of a cultural mediator ⁸² . This significantly reduces their access to information regarding asylum procedures (Belggi, 2023; ASGI and Naga, 2022; Corte di Cassazione, Decision 20 of November 2023) ⁸³ .
	Additional documentation requirements	Asylum seekers are often asked for supplementary documents that are difficult or impossible for them to provide upon their arrival in Italy. These include proof of accommodation/residence ⁸⁴ or translated and legalized birth certificates from the countries of origin (Facchini, 2022) ⁸⁵ .
	Length of the procedure	The separation of registration and decision-making authorities poses several challenges, lengthening the process and increasing the need for coordination among different departments. This adversely affects the duration of procedures and resource utilization (AIDA, 2022). Additionally, the practice of scheduling appointments for formalizing asylum applications several months later has been observed (Naga, 2022; Civil Court of Rome, Decision of 31 March 2023; Civil Court of Trieste, Decision of 24 March 2023) ⁸⁶ .
	Establishing family ties	In certain Police Stations (e.g., in Sassari, Syracuse, Rome, or Caserta), difficulties have been observed in establishing family ties during the asylum application process. Applicants were required to provide documents confirming parenthood, and without them, they were denied the opportunity to submit their application. There have been reports of migrants being asked to undergo DNA testing to confirm family ties during the registration of their application (AIDA, 2023; Corte di Appello di Milano - Sentenza del 26 ottobre 2012 ⁸⁷).
	Difficulties in detention centers (CPR)	Difficulties in accessing asylum procedures and registering applications also arise in detention centers (CPR). The ability to apply for asylum in CPR is limited due to factors such as the lack of information and legal assistance, as well as administrative obstacles (AIDA, 2017, 2018). According to the Decree on Reception, individuals in CPR should be informed about the possibility of applying for asylum (Art. 6(4) Reception Decree). In

⁸² The Court of Cassation in 2020 confirmed the bundle between the role of information transfer and the effectiveness of access to procedures (Court of Cassation, decision no. 18189/2020 dd. 25.6.2020).

⁸³ See more: Sentenza sez. I civ. 20.11.2023, n. 32070.

⁸⁴ The Reception Decree provisions ensure destitute asylum seekers' access to housing upon expressing the intent to seek asylum (Art. 1). It specifies that access to reception conditions and residence permit issuance are contingent solely on the criteria outlined within the Decree, without additional prerequisites (Art. 4(4)).

⁸⁵ The practices of the Questura contradict the European Directive 2013/33/EU (the so-called "Reception Directive") and Italian law, which state that asylum requests should be processed without demanding unnecessary or disproportionate documents (Facchini, 2022a).

⁸⁶ The Naples Tribunal ruled in favor of a Bangladeshi asylum seeker who waited three months to formalize his request for asylum at the Naples Questura. The court recognized the difficulties caused by the large number of applicants and the burden of the arrival of refugees from Ukraine. However, it indicated that this could not justify the long delay in the procedures. See more: Tribunale di Napoli, procedimento di cognizione iscritto N.RG.23491/2022.

⁸⁷ To learn more about DNA requests in asylum procedures: Corte di Appello di Milano - Sentenza del 26 ottobre 2012, dep. 12 febbraio 2013.

		practice, many detainees do not receive such information (AIDA, 2023; ASGI, 2022b; Civil Court of Turin, Order 4 April 2020) ⁸⁸ .
Guaranteeing Proper Administration of Procedures	Limited Submission of Asylum Applications	Some Police Stations require asylum applications to be submitted by mail or through a lawyer. They also limit the number of applicants accepted per day or week (e.g., 10 applicants per day), resulting in longer queues and hindering efficient procedure functioning (Facchini, 2022; ASGI 2022). For instance, the Naples and Rome Police HQs permitted a very limited number of applicants to request appointments only one day a week (ASGI, 2017). This led to informal encampments of asylum seekers waiting in front of the Questura for their turn, violating current legislation and possibly resulting in inhuman treatment (Sciurba, 2018; Venturini, 2022; Civil Court of Milan, decision of 28 March 2023).
	Limited Access to Legal Assistance	Access to legal assistance is made more difficult by denying lawyers physical and electronic access to Immigration Offices (Facchini, 2022; Intersos 2022; ASGI and Naga, 2022).
Ensuring the Right to Appeal	Indirect effects of lack of information and legal assistance	The challenges faced by ARs, including the lack of information and legal assistance as well as administrative obstacles, indirectly affect the ability to appeal. If individuals are not informed about their right to apply for asylum or face barriers in doing so, their subsequent ability to appeal decisions is inherently compromised. More in the context of appeals is included in the analysis of subsequent procedures.

Source: own elaboration.

⁸⁸ ASGI monitors the situations in various CPR centers. An example is the report from the CPR in Palazzo San Gervasio (ASGI, 2022c), which addresses issues of access to information and access to the asylum procedure. Another report that indicates the lack of guarantees for ARs' rights may be the monitoring report from the CPR in Milan (ASGI, 2022d), or the one from Caltanissetta (ASGI, 2022e). More about CRP in the section concerning the reception system.

4.2.2. Identification Processes

4.2.2.1. Regular Procedures

Scope

The APD recast (Directive 2013/32/EU), anchored in the broader framework of the Common European Asylum System, establishes standardized legal and administrative procedures in the process of seeking international protection. In the absence of any grounds for the application of special procedures, regular procedures are applied. This approach is in alignment with the guidance provided by the APD, adhering to the principles of the 1951 Refugee Convention (and the 1967 Protocol) and the Charter of Fundamental Rights of the European Union. In Italy, Directive 2005/85/EC was implemented through Legislative Decree No. 25 of January 28, 2008 (the so-called Procedure Decree).

Process

On the basis of the Procedure Decree, Italian law dictates that the Territorial Commission (TC) should interview applicants within 30 days of receiving their application, with a decision expected within the subsequent three working days (Art. 27(2)(3) Procedure Decree)⁸⁹. While the procedure could be extended to a maximum of 18 months under certain conditions, this timeframe is frequently not adhered to in practice, often taking much longer. If the TC needs more time to gather information, they can extend the asylum examination process up to 6 months after lodging the application (Art. 27(2), PD). Extensions of up to 9 additional months are possible in cases of complex legal or factual issues, a high volume of applications, or if the delay is due to the applicant's lack of cooperation. In exceptional cases, this limit can be further extended by 3 months to ensure thorough examination (AIDA, 2022).

The Procedure Decree outlines that if an asylum applicant leaves a reception center without justification or absconds from a Center for Protection of Refugees (CPR) or hotspots before their interview, the Territorial Commission can suspend the examination of their application, deeming them "not reachable" (it. *irreperibile*) (Art. 23-bis, PD). Applicants have the opportunity to request the reopening of their suspended procedure within 12 months of the suspension decision (but this option is available only once). Failure to do so within the 12-month period results in the termination of the procedure, and 'subsequent applications' are considered (Art. 23-bis, PD).

⁸⁹ See more about the process of the interview, and methods used by Territorial Commissions and EASO: Gallo (2018) *Audizione e valutazione di credibilità del richiedente davanti alla Commissione territoriale*.

‘Subsequent applications’ submitted after the 12-month suspension period undergo a preliminary admissibility examination, where the Commission reviews the reasons behind the admissibility of the application and the circumstances that led to the applicant's absence from the reception centers (Art. 29 (1-bis); Art. 23-bis).

Asylum notification processes vary by housing situation. For those in reception or detention, coordinators directly inform them and notify the Territorial Commission. Private residents receive mail at their last known address from the Questura. Unreachable applicants have summons or decisions emailed to the Questura, held for 20 days before being deemed notified, with copies at the TC (AIDA, 2021, 2022). The outcomes of decisions can vary across regions, despite applying the same rules.

In the context of Italy's asylum regular procedures, as modified by Decree Law 113/2018 and Decree Law 130/2020, there exist four major potential outcomes defined in Article 32 of the Procedure Decree: “a) granting refugee status, b) providing subsidiary protection, c) recommending the Questura to issue a two-year special protection residence permit, and d) rejection of the application (as unfounded or manifestly unfounded)”⁹⁰ (AIDA, 2022; Ministero dell’Interno, 2020)⁹¹. Significantly, Decree Law 113/2018 removed the humanitarian protection status by repealing the provision in the Immigration Consolidation Act (it. Testo Unico) related to granting residence permits based on serious humanitarian, constitutional, or international obligations. However, Decree Law 130/2020 brought about substantial changes to the concept of special protection, reintroducing obligations linked to Italy's constitutional and international commitments (Decree Law 130/2020 and L. 173/2020).

Two additional outcomes of Italy's asylum regular procedure are: a health-based residence permit and a special protection with a residence permit for assistance to minors (AIDA, 2022)⁹². In the first case, when an asylum application is rejected, and the applicant faces serious psychophysical or medical conditions that could endanger their health upon return to their home country, the Territorial Commission has the authority to recommend the issuance of a residence permit to the Questura⁹³. In the second case, the TC evaluates the eligibility of family members of minors in Italy for a residence permit based on their psychophysical health and development⁹⁴.

⁹⁰ An asylum application can be deemed „manifestly unfounded” if the applicant raises unrelated issues to international protection or comes from a Safe Country of Origin. Moreover, when makes clear contradictions or false statements, misleads authorities, enters or stays in the country irregularly without justifiable reasons, or refuses to be fingerprinted. Lastly, when the applicant is detained for specific reasons, like security concerns, or when lodging an application solely to delay removal (*przypis*).

⁹¹ See more: Ministero dell’Interno (2020). *Practical Guide for Asylum Seekers*.

⁹² The special protection residence permit was initially established through Law 132/2018. Subsequent amendments occurred with the expansion of prerequisites under Decree Law 130/2020, which was later transformed into Law 173/2022. This legislative evolution led to the reformulation of Article 19 of the Consolidated Immigration Act (TUI), broadening the scope of cases in which deportation is prohibited.

⁹³ This recommendation is substantiated by suitable medical documentation from a public health institution or a National Health Service doctor (AIDA, 2022). The duration of these permits aligns with the period specified in the health certification, with a maximum validity of one year. These permits are renewable but cannot be converted into work permits and are valid exclusively within Italy (Law 173/2022).

⁹⁴ If such compelling reasons are identified, the Territorial Commission notifies the Public Prosecutor at the relevant Juvenile Court, initiating the process for issuing residence permits to the involved family members (AIDA, 2022).

The 2020 amendment to Article 28 of the Procedure Decree in Italy introduced a prioritized asylum application process, primarily for well-founded cases involving vulnerable applicants like unaccompanied children or those from specific countries identified by the CNDA (The National Asylum Court; fr. Cour Nationale du Droit d'Asile). Personal interviews may be omitted if there are sufficient grounds for granting subsidiary protection, with applicants having a 3-day window to request an interview (AIDA, 2022).

The Procedure Decree mandates a private interview with each applicant⁹⁵. Under the Procedure Decree, personal interviews with asylum seekers can be omitted in certain cases. This includes scenarios where determining authorities already have enough information to grant refugee status, or if the applicant, due to health reasons certified by a medical professional, is unable to participate (Art. 5(4) PD 21/2015). Particularly for applicants from specific countries identified by the CNDA for subsidiary protection, an interview can be bypassed unless the applicant requests one within 3 days (Art. 12(3), PD).

While this aims to expedite the process, it raises concerns about the thoroughness of assessments. Typically, these interviews are conducted by administrative officers of the Territorial Commission. In practice, Ministry of Interior-appointed officials conduct the interview (AIDA, 2020, 2021).

The asylum process ensures comprehensive language assistance, especially during personal interviews, to facilitate effective communication for applicants (AIDA, 2022). This includes interpreter services in the applicant's language and translation of relevant documents, as mandated by Article 10(4) of the Procedure Decree. Such measures uphold fairness and accessibility, preventing language barriers from hindering applicants' ability to present their cases (Art. 10(4), PD).

The legal basis for appeals in the Italian asylum procedure is established in the Procedure Decree, which allows asylum seekers to appeal against decisions of the Territorial Commissions at the Civil Court (it. Tribunale Civile) (Art. 35, PD). This includes appeals against rejections, decisions for subsidiary protection, or special protection residence permits. The Decree Law 13/2017 and Law 46/2017 created specialized court sections for handling these cases, mandating judges with specific skills and training, provided annually by entities like the EUAA and UNHCR (AIDA, 2023).

Appeals must be lodged within 30 days, or 15 days in cases like detention in CPR a(it. Centri di Permanenza per i Rimpatri) or decisions under the Accelerated Procedure (see the section on Accelerated Procedures). While appeals generally have an automatic suspensive effect, this is excluded in certain situations, such as applications deemed inadmissible or manifestly unfounded, or for applicants from safe countries of origin (Art. 35-bis (3) Procedure Decree). The Civil Court has the option to either dismiss the appeal or provide a form of protection to the asylum seeker. It must make this decision within a 4-

⁹⁵ Decree Law 130/2020 allowed for hearings to be conducted using audio-visual methods by modifying Article 12 (1). There is no evidence, that this method was ever used (ASGI, 2022).

month timeframe (Art. 35-bis (13) PD). Between 2016 and the first half of 2020, 37.5% of appeals were successful (Giovannetti, 2021). In 2022, Eurostat recorded a total of 19,335 final decisions on asylum applications, with 5,360 (27%) being rejections (Eurostat, 2022)⁹⁶.

The Decree Law 13/2017, implemented by Law 46/2017, brought significant changes to the appellate process in Italian asylum law. It abolished the possibility of appealing a negative decision from the Civil Court to the Court of Appeal for cases lodged after August 17, 2017. Now, asylum seekers can only appeal to the Court of Cassation for legal matters within 30 days, a reduction from the previous 60-day timeframe (Art. 35-bis (13), PD). This onward appeal does not automatically have a suspensive effect⁹⁷.

Following Decree Law 13/2017 and Law 46/2017, the Italian legal framework restructured oral hearings in asylum appeals. Judicial decisions primarily rely on videotaped interviews from the first instance (Art. 6(11) Decree Law 13/2017). Oral hearings are exceptional, convened if the judge deems it necessary for clarification or when new elements are introduced (AIDA, 2022). The Court of Cassation clarified in 2018 that oral hearings are mandatory when no videotape exists, but direct applicant interviews are not compulsory (The Court of Cassation, Decision 28424/2018)⁹⁸. The recent 'Cartabia reform' of civil procedures (effective from 2023) further permits the replacement of oral hearings with written notes, thereby giving judges considerable discretion in how hearings are conducted (Art. 127-ter of the Code of Civil Procedure, Legislative Decree No. 149 of October 10, 2022). The questions for the appellant's hearing are crafted by a representative from the EUAA or a UPP staff member, supervised by the judge, when the appellant is called for the hearing (Perilli, 2023).

Under Article 16 of the Procedure Decree, asylum seekers in Italy are entitled to legal assistance and representation during the first instance of both the regular and prioritized asylum procedures, but at their own expense (Art. 16(2), PD; Art. 10(2-bis), PD). In reality, many asylum applicants receive support from legal advisors or lawyers funded by NGOs or specialized assisting bodies, particularly in preparing for and sometimes during the personal interview. This support largely depends on the availability of funds from various sources, including the National Fund for Asylum Policies and Services financed by the Ministry of Interior, and private foundations or associations (ASGI, 2019). The Ministry of Interior, under the Procedure Decree, may also establish agreements with UNHCR or other organizations for providing free information services about the asylum procedure, its revocation, and judicial appeals (AIDA, 2022).

⁹⁶ See more: Eurostat (2022). *Final decisions on asylum applications*, Available at: bit.ly/41CRnPb.

⁹⁷ The Court of Justice of the European Union (CJEU) in its F.R. judgement of September 2018 affirmed this provision's compliance with EU law, as the recast APD does not mandate a second level of jurisdiction against negative asylum decisions (CJEU, Case C-422/2018 F.R.).⁹⁷ The judge who rejected the initial appeal at the Civil Court level examines the request for suspensive effect, which must be submitted within 5 days of the appeal notification (Art. 35-bis (13)). However, this reform faced criticism for reducing judicial protection for asylum seekers, particularly by limiting the appeal process and complicating access to legal aid (AIDA, 2022).

⁹⁸ The Court of Cassation, Decision 28424/2018, 27 June 2018. Available at: <https://bit.ly/2G6XwuS>

These services are supplementary to those offered by accommodation center managers. Asylum seekers with an annual taxable income below 11,746 euros in 2022 are entitled to free state-funded legal aid, provided their case is not considered clearly unfounded. This assistance is contingent on both financial eligibility and the merits of the case (Art. 16(2), PD)⁹⁹.

EUAA Guidelines for Regular Procedures

The EUAA guidelines outline procedures for identifying and granting international protection. They ensure rights for applicants, including those with special needs, and emphasize timely and proper case processing. This includes decision-making processes, information flow, and the right to legal assistance (EASO, 2019). General guidelines include

- A comprehensive mechanism for delivering legal and procedural information. This includes detailed information about procedural steps, rights, obligations, and access to legal assistance. The indicators focus on the clarity and accessibility of information. The guidance ensures that legal advisors have access to necessary case file information and that private counselling opportunities are available (EASO, 2019).
- A training program for personnel covering international and EU-specific asylum laws, specialized issues, and interview techniques (ibid., 2019).
- Comprehensive information about eligibility criteria for both paid and free legal aid, including details about service-providing organizations (ibid., 2019).

Guidelines within the personal interview:

- It must be direct, clear, and accurate, providing the applicant with essential details such as the date, time, and place of the interview (Indicator 28).
- A thorough study of the case file precedes the interview. The case file should be available well in advance to allow the case officer ample time for preparation (Indicators 29.1, 29.2).
- The preparation process considers all elements influencing the interview, including any specific requests regarding the gender of the interviewer or interpreter (Indicator 29.2).
- Relevant Country of Origin Information (COI) applicable to the case is consulted prior to the interview (Indicator 29.4).
- The interview must occur in a language the applicant understands. A system ensures the availability of appropriate interpreters with the necessary knowledge and expertise (Indicators 30.1 and 30.2).

⁹⁹ The means test requires asylum seekers to provide proof of their income, which can include a certification from their country's consular authorities (Art. 79 (2) PD 115/2002; Art. 94 (2) PD 115/2002). Additionally, access to free legal assistance also involves "a merits test" conducted by the relevant Bar Association (Art. 126 PD 115/2002; Art. 136 PD 115/2022). This assessment determines whether the reasons cited by the asylum seeker for appealing are not clearly unfounded (AIDA, 2022).

- Interview rooms should be conducive to maintaining confidentiality and security, away from public view (Indicator 31.3). Internal guidelines are established for setting up interview rooms, especially for applicants with special needs (Indicator 31.1).
- Essential information, including the interview's purpose, confidentiality, break opportunities, applicant obligations, document submission, and recording/reporting procedures, is communicated (Indicator 32.2).
- The applicant is given opportunities to clarify inconsistencies or gaps (Indicator 33.4). Sufficient time is provided for review and confirmation, with opportunities for oral or written clarifications (Indicators 34.1a, 34.1b, 34.2).
- A case file management system is in place (Indicator 36.1). The time between receiving new information and its delivery to the responsible case officer is monitored (Indicator 36.2). The case file management system must ensure the confidentiality of the applicant's personal file, in accordance with GDPR (Indicator 37.1).
- Case officers must have access to relevant and up-to-date COI. Training for case officers on accessing and using COI is crucial (Indicator 39).
- Applicants are informed about their obligations and the consequences of non-compliance, which could lead to the implicit withdrawal of their application. This includes communication about the necessity of attending interviews and providing essential information (Indicators 41.1 - 41.4).
- Safeguards ensure timely examination and decision-making in asylum cases (Indicators 42.1 - 45.2) (EASO, 2019).

Decisions:

- Applicants are kept informed about the decision-making process, including delays, and are provided with clear guidance on how to challenge negative decisions.
- Tools like checklists and guidelines support case officers in decision motivation (Indicator 46.1). Decision templates are available (Indicator 46.2), and a quality control system reviews interviews and decisions, providing feedback to case officers (Indicator 46.3).
- Special attention is given to applications lodged on behalf of minors, with specific guidance for case officers on considering children's situations (Indicator 47.1).
- A workflow ensures timely notification (Indicator 48.1), and the decision is accompanied by a document in the applicant's language, whether notified by post, electronic courier, intermediary, or in person (Indicators 49.1a and 49.1b).
- In case of a negative decision, applicants receive detailed information on appealing, including court/tribunal details, time limits, and information on the suspensive effects of appeals (Indicators 50.1 - 50.4).
- Applicants are informed about delays in decision-making after six months (Indicators 53.1 - 53.3).

Implicit withdraw of the application:

- *Standard 41* emphasizes the importance of cooperation and the submission of necessary information, clearly outlining the consequences if these obligations are not met (Indicator 41.2). Furthermore, when inviting applicants to personal interviews, the written communication explicitly states the repercussions of failing to attend without a valid reason, in accordance with national laws and practices (Indicator 41.3).
- *Standard 42* safeguards the rights of applicants by allowing them a reasonable time to demonstrate that any non-compliance was beyond their control (EASO, 2019).

The Tables (18-29) include examples identified in the secondary data of the application of asylum procedures and the fulfillment (or non-fulfillment) of the previously indicated APD assumptions. Each table specifies the individual procedures in Italian practice, starting with the Regular procedures.

Regular Procedures in Italian Practice

Table 18. Regular Procedures in Italian Practice

Objective	Issues Identified	Details
Ensuring Effective Access to Procedures	Delays in initiating the procedure	The regular asylum procedure in Italy encounters delays, as the asylum application is processed only after formal registration and the transmission of the C3 form through the Vestanet case database (AIDA, 2022). The first-instance procedure itself often extends over several months, contributing to the overall duration of the asylum process (Sciurba 2018; ASGI, 2019).
	Challenges with interpretation services	The availability of interpreters, particularly at border points, is inconsistent and often insufficient to meet the diverse language needs of asylum seekers. This issue is exacerbated when disembarkations occur at unofficial border points (AIDA, 2019). Breggia (2018) points out to “the right to understand and be understood”. This gap between not only strains the system but also potentially compromises the fairness and thoroughness of the asylum adjudication process (AIDA, 2022).
	Lack of legal guidance	The majority asylum seekers undergo personal interviews without legal assistance, mostly due to financial constraints and limited NGO capacity (AIDA, 2017-2020) Often, administrative hearings are incomplete or repetitive due to the overwhelming workload of the TCs. Denials by the Commission may be based on information the applicant couldn't address, and there's significant delay between the Commission interview and the judge's evaluation due to backlog (Breggia, 2018; Gallo, 2018).
	Lack of free legal aid	Furthermore, free legal aid can't cover the administrative part of the asylum procedures. Vulnerable individuals, like victims of torture or trafficking, are particularly disadvantaged in navigating the process without legal assistance (AIDA, 2018, 2019). Moreover, there's a disparity in legal support between different accommodation systems, with more comprehensive legal support in the SAI system compared to CAS and governmental centers. Additionally, while national funds and European projects provide some financing for legal counseling, particularly at border points and arrival locations, these resources are often insufficient (Art. 11 (6) TUI; AIDA, 2022)
Guaranteeing Proper Administration of Procedures	Challenges in notification procedures	When admitted to the reception system, center operators are responsible for informing the Police Headquarters to schedule an appointment for the asylum application. However, delays in this process have been noted. For instance, Cledu (Clinica Legale per i Diritti Umani dell'Università di Palermo) ¹⁰⁰ reported instances in Palermo where numerous asylum seekers in CAS had not received any communication regarding their application process (Sciurba, 2018) ¹⁰¹ . The Procedure Decree outlines different notification procedures depending on the applicant's accommodation status (Art. 11 (3), 11 (3-bis), 11(3-ter) PD). However, in practice, there have been issues with notifications, especially for privately housed asylum seekers and those who have moved between reception centers. Often, applicants discover their interview appointments after the scheduled date due to delayed notifications (AIDA, 2019; ASGI, 2017).

¹⁰⁰ See more about “La Clinica Legale Migrazioni e Diritti (MiDi)” <https://www.unipa.it/dipartimenti/di.gi./clinica-legale-per-i-diritti-umani>.

¹⁰¹ The characteristics and the functioning of Centers for Extraordinary Reception (CAS) are analyzed under the “Reception Procedures” subchapter.

	<p>Variability across Territorial Commissions</p>	<p>While the rules are the same across regions, the outcomes of decisions in the regular procedure may vary depending on the region. However, due to the absence of detailed territorial statistics, a more comprehensive analysis of this variability is not possible (Sciurba, 2018; AIDA, 2021; Veglio, 2023; Genovese 2020). Moreover, the time taken to issue final decisions varies between Territorial Commissions, with some urban areas like Rome, Verona or Milan experiencing longer overall procedure durations, typically ranging from 6 to 12 months (AIDA, 2022; Melting Pot Europa, 2023).</p>
	<p>Conduct of personal interviews</p>	<p>The implementation of audio-visual interviews has been slow, with many commissions not yet using the necessary technical equipment as of April 2023 (AIDA, 2022). Audio-visual recordings could serve as additional evidence in judicial appeals against decisions made by the Territorial Commissions. Without these recordings (and using just notes), applicants may face challenges in contesting decisions or demonstrating inconsistencies in the interview process (Breggia, 2018). Nevertheless, moving exclusively toward audiovisual interrogations and abandoning in-person questioning are also being questioned (De Santis, 2018). Breggia (2018) points out that often interviews are transcribed using audio tools for voice recognition (Art. 14 Decree Law 25/2008). Considering the complexity of cases and the cultural and linguistic issues crucial to asylum decisions - this raises serious concerns (Ministero dell'Interno, 2017).</p> <p>Moreover, grave incidents, such as slavery or human trafficking, have occasionally emerged during hearings before the judge, which were not highlighted in the administrative phase or in the defender's appeal (Breggia, 2018). Providing a more superficial and general interrogation increases the barriers to recognizing protection.</p>
<p>Ensuring the Right to Appeal</p>	<p>Challenges in appeal process</p>	<p>The appeal process for asylum seekers, especially those in CPR (or as discussed later under the Accelerated Procedure), faces numerous hurdles (AIDA, 2015-2019). The tight 15-day appeal deadline often undermines the right to appeal effectively, due to complexities in obtaining legal aid and preparing for hearings. Language barriers and legal system unfamiliarity compound these difficulties (AIDA, 2022).</p>
	<p>Reformed Appeal Process</p>	<p>In practice, the legal reforms, abolishing the possibility of appealing a negative decision to the Court of Appeal (implemented by L. 46/2017) have significantly impacted the appeal process in Italy (ASGI, 2017; AIDA, 2018). The reduction in the time to appeal and the shift in jurisdiction to the Court of Cassation has led to an enormous increase in petitions, straining the court's capacity. This surge was evident in the rise of appeals from 374 in 2016 to over 10,000 in 2019, although there was a decrease in subsequent years (Open Migration, 2017; AIDA, 2018).</p>

	<p>Inadmissibility</p>	<p>Moreover, a high percentage of these appeals were deemed inadmissible, reaching 71.9% in 2022 (AIDA, 2022; Corte di Cassazione, 2022). The Court of Cassation's strict interpretation of the power of attorney requirements for the Cassation procedure, as per decision n. 15177 of 2021, further complicated the appeal process. This interpretation, upheld by the Constitutional Court, led to a high rate of inadmissibility, irrespective of the appeals' merit. ASGI Lawyers have expressed concerns that this interpretation, applied even to pending cases, could lead to many appeals being declared inadmissible (ASGI, 2022). While the Court of Cassation has collaborated with EUAA researchers and started sharing significant rulings with UNHCR, the practical challenges and the high inadmissibility rate underscore the difficulties faced by asylum seekers in navigating the reformed appeal process in Italy (AIDA, 2022).</p>
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Source: own elaboration.

4.2.2.2. Border Procedures

Scope

Within the realm of special procedures, border procedures stand out¹⁰². As stated by the European Union Commission, border procedures were established for "better management of abusive and inadmissible asylum requests at the border, that would benefit the efficient treatment of genuine cases inland" (COM, 2020)¹⁰³. These specific protocols are applicable within border and transit zones and are employed in two distinct scenarios:

1. When an individual seeking asylum submits an international protection application after being apprehended for attempting to evade border control, whether at the border itself or in transit zones (EUAA, 2020).
2. When the asylum applicant at the border or in transit zones comes from a 'safe third country' (ibid., 2020)¹⁰⁴.

Border procedures are regulated by the APD Recast, along with Article 43.4. This provision states that border procedures may apply in the same circumstances as accelerated procedures (Art. 31(8) and 43(1) APD). In accordance with these regulations, member states also retain the authority to conduct a comprehensive examination of an international protection application during border procedures. In Italy, these procedures were introduced by Legislative Decree 113/2018 and subsequently modified by Legislative Decrees 130/2020 and 173/2020 (ibid., 2020)¹⁰⁵.

Border procedures operate in designated transit and border areas. However, the decrees do not provide definitions for these zones (AIDA, 2022). In Italy, these areas include regions in the northeastern part (Trieste and Gorizia); in the south (Crotone, Cosenza, Matera, Taranto, Lecce, and Brindisi); in Sicily (cities of Caltanissetta, Ragusa, Syracuse, Catania, Messina, Trapani, Agrigento); Lampedusa; and Sardinia (Cagliari). In many of these cities, hotspots have operated or are still operating (ibid., 2023).

Process

The border procedure can be applied when an asylum seeker expresses their intention to seek asylum directly in designated border areas or when they are detained while attempting to evade border control. Additionally, this procedure can be used for foreigners coming from "safe third countries" (based on Art.

¹⁰² The new 2023 Migration Pact calls for an even broader implementation of border procedures. For instance, automatically applying them to individuals from a country where less than 20% of applications are accepted (IRC, 2023).

¹⁰³ See more: *Communication from the Commission on a New Pact on Migration and Asylum*, COM (2020) 609 final.

¹⁰⁴ For the in-depth analysis of those two provisions, see: Morandi (2020) *Le Procedure Accelerate per l'Esame della Domanda di Protezione Internazionale: Analisi dell'art 28-bis*, D.LGS. N. 25/2008. Available at: <https://www.dirittoimmigrazionecittadinanza.it/archivio-saggi-commenti/saggi/fascicolo-n-3-2020-1/652-le-procedure-accelerate-per-l-esame-della-domanda-di-protezione-internazionale-analisi-dell-art-28-bis-d-lgs-n-25-2008/file>

¹⁰⁵ The law still relies on a Ministry of Interior decree issued on August 5, 2019, and published on September 7, 2019, to define and enforce the procedure.

28-bis (2-bis) of the Procedure Decree introduced by Law 50 of May 5, 2023, converting DL 20/2023). Moreover, detention applied with border procedures may be applicable in cases where the applicant does not possess a passport and lacks economic guarantees (specified by a Ministry of Interior Decree, 2019).

The entire process of handling the application takes place directly at the border or in transit zones. These procedures adhere to the same rules as the 9-day Accelerated Procedures, which apply in hotspots and Centers for First Reception. Immediately after submitting the application, the authorities are obligated to forward the documentation to the respective Territorial Commission. The competent authorities for border procedures in Italy are the Territorial Commissions for the Recognition of International Protection (Art. 28-bis (4) Procedure Decree and Art. 28 (1-bis) of PD).

Personal interviews before the commission should take place within 7 days, and the decision should be issued within the next two days (EUAA, 2020)¹⁰⁶. During the processing of the application, asylum seekers are entitled to accommodation. Since they are not allowed to stay in the state territory, they may be placed in detention centers (in accordance with the Reception Decree, Art. 8(3C)) (AIDA, 2023b). Border procedures introduce the possibility of detaining foreigners. These individuals can be detained for a maximum of 4 weeks (under Art. 6-bis of the Reception Decree of May 5, 2023). Detention may encompass the border procedure time and last until the court's decision regarding international protection (Art. 6-bis (3) RD) (AIDA, 2023b).

An appeal against a negative decision in the border procedure must be submitted to the Civil Court within 15 days. These procedures cannot be applied to unaccompanied minor foreigners or individuals with special needs (Art. 28-bis (6) of the Procedure Decree as amended by Decree Law 130/2020 and Law 173/2020). If border procedures are applied, and the application is rejected, the next step is the implementation of the return border procedure (AIDA, 2023b). Such appeals might have an automatic suspensive effect, meaning the applicant cannot be returned until a final decision is reached on their application. In Italy, the competent authority for appeals in border procedures is the Civil Court (Brambilla, 2023).

EUAA guidelines on border procedures

- The implementing state must provide applicants with information in their language, including details about their rights and responsibilities. Additionally, applicants should be informed about their right to appeal, access to a translator, medical assistance, and legal services (EUAA, 2020).
- This mechanism should consider the unique needs of especially vulnerable individuals, such as victims of violence (including human trafficking) and unaccompanied minors. If the border procedure is unsuitable or harmful to the applicants, exemptions should be

¹⁰⁶ EUAA Guidelines are available at: <https://euaa.europa.eu/sites/default/files/publications/Border-procedures-asylum-applications-2020.pdf>

considered, and their applications processed according to the appropriate procedures (ibid., 2020; Heijer, 2022).

- There should be a mechanism for appeals and complaints before a court or tribunal regarding decisions made within the border procedure. Article 46(7) of the APD (Recast) outlines the conditions for filing appeals. Applicants should have access to a translator, legal assistance, adequate time to stay in the country, and sufficient time to prepare arguments and documentation (AIDA, 2023b).
- Considering the quality and availability of infrastructure at borders and transit zones is essential to prevent failures associated with an increased number of applicants. Even in such situations, necessary safeguards, application verifications, and the identification of human trafficking victims and violence victims must be upheld. Limitations in infrastructure and technology should not impede the effectiveness of border procedures (EUAA, 2020).

Border Procedures in Italian practice

Table 19. *Border Procedures in Italian practice*

Objective	Issues Identified	Details
Ensuring Effective Access to Procedures	Lower recognition rates	Decisions within border (and accelerated) procedures more frequently resulted in the rejection of asylum applications at the first instance compared to standard procedures. According to EUAA data, the recognition rate for international protection in border and accelerated procedures was 7% and 10% respectively, while the overall rate for the EU stood at 33% (EUAA, 2020).
	Extended timeframe	The changes proposed in 2019, which extended the timeframe of border procedures, weaken applicants' access to a fair and efficient procedure (Fachime, Massimi, Leo, 2019).
	Vague definition of "transit and border areas"	In Italy, the vague definition of "transit and border areas" is problematic. It raises doubts about compliance with the Asylum Procedures Directive (APD), which refers to the application of border procedures in exceptional situations and exclusively at the external borders of the EU, not within a country's internal borders (Morandi, 2020, AIDA, 2020; AIDA 2021) ¹⁰⁷ .
Guaranteeing Proper Administration of Procedures	Issue of de facto detention:	The arbitrary application of border procedures also intensifies the use of detention and its significance in EU migration policy (Apatzidou, 2023) ¹⁰⁸ . Monitoring of asylum procedures in Italy indicates that in 2017 alone, due to the application of border procedures, the detention of asylum seekers upon arrival increased by 25% (Hungarian Helsinki Committee, 2019). In Italy, the issue concerns detention upon arrival, de facto detention in hotspots,

¹⁰⁷ *Le zone di transito e di frontiera. Commento al decreto del Ministero dell'Interno del 5 agosto 2019 (G.U. del 7 settembre 2019, n. 210).*

¹⁰⁸ Cornelisse (2016), using the example of the Netherlands, draws attention to the relationship between applications for international protection, denial of access to territory, and detention. As indicated, through these measures and the "enforcement of migration control, individual rights are at stake.

		and de facto ¹⁰⁹ detention on boats (ibid., 2019, p.5 and FRA 2019) ¹¹⁰ . The issue of <i>de facto detention</i> is often associated with inappropriate or undignified conditions in detention centers. In Italy, this problem extends beyond strictly detention centers to include hotspots (ASGI, 2023). Due to unsuitable conditions, several of these have been closed, including the hotspot in Taranto and on Lampedusa in 2018 (AIDA, 2020; ASGI, 2021) ¹¹¹ .
	Arbitrary application of border procedures:	In the initial instances of applying border procedures, such as in Trieste until the end of 2019, three Palestinian asylum applicants were subjected to the procedure solely because they were detained by the police near the border (with Slovakia). This could imply the application of the procedure in any border case, assuming it to be an "attempt to avoid border control." This approach is inconsistent with Art. 43 of the APD. "Attempting to avoid border control" is not considered a basis for applying accelerated and border procedures as defined in Article 31(8) of the Directive (ASGI, 2020; ASGI and Buon Diritto ONLUS, 2020) ¹¹² . In another case, analyzed by ASGI and A Buon Diritto Onlus (2020), border procedures were applied to individuals rescued in the Mediterranean under SAR procedures, who were later transported to a hotspot in Lampedusa and held there for more than 20 days (against DL 113/2018, transformed in l. 132/2018) ¹¹³ .
	Burden on the Territorial Commissions	Only two additional commissions have been established, affiliated with Bari and Syracuse. This means that all other applications from border procedures are processed (in an accelerated manner) by the existing Commissions (AIDA, 2022, AIDA 2023).
	Accelerated procedures and accelerated hearing	During border procedures, asylum seekers are quickly called for hearings by the Territorial Commission soon after they enter the country. They face these hearings while still dealing with the physical and mental toll of their journey to Italy (Morandi, 2020). Often, they go into these hearings without the necessary legal orientation about the process or their rights, and without checks to determine if their experiences of age, gender-based issues, or severe violence like torture or rape necessitate special procedural protections (ASGI 2019; AIDA 2020, AIDA 2021).
Ensuring the Right to Appeal	Locations near borders	Applying border procedures based on detainees' location near borders, as in the case of Trieste, may infringe upon the right to a fair appeal by assuming an attempt to avoid border control without substantial basis. This approach could limit the avenues for appealing decisions made under the accelerated and border procedures framework (Brambilla, 2023).

Soruce: own elaboration.

¹⁰⁹ "De facto detention" happens when individuals are held without an official detention order. It's not officially labeled as detention under local laws, and the only way to be released is by leaving the country. This type of detention goes against legal norms as it occurs without considering a person's situation or a specific legal reason. It lacks a thorough assessment of necessity or proportionality (HHC, 2019).

¹¹⁰ At the same time, attention is drawn to the fact that detention does not solely result from pressure on border procedures but also serves as a means to fulfill the objectives of the EU-Turkey Agreement, "as well as pressure exerted by the European Commission to ensure the ongoing operation of the Dublin system" (Hungarian Helsinki Foundation, 2019).

¹¹¹ The Reception Decree (recast) regulates conditions in detention centres. Further analysis of detention center practices in Italy, is covered in subsequent subsections concerning reception procedures.

¹¹² In 2020, the procedure was also applied to some Tunisian citizens rescued at sea. There were no such cases in 2021 and 2022. However, attention is drawn to the possibility of change due to the recent expansion of border procedures to individuals arriving from non-safe countries (following changes in the Procedural Decree and its amendment by Act 50/2023).

¹¹³ Foreign nationals were unlawfully detained in the hotspot center for nearly 20 days, in a condition of severe overcrowding, without the possibility of contacting specialized organizations that provide legal assistance, without effective orientation to rights, without any information regarding their legal status, and without psychological support. Only on October 25 were they transferred from Lampedusa and taken to the Agrigento Police Headquarters without any information about the reasons, methods, and destination (ASGI and A Buon Diritto Onlus, 2020).

4.2.2.3. Accelerated procedures

Scope

The recast Asylum Procedures Directive allows Member States to expedite asylum application reviews if there is a sign the request lacks merit or for specific reasons, such as false information, sharing information not relevant for international protection status, the applicant being from a safe country of origin, or the applicant refusing to be fingerprinted (Osso, 2023; EUAA, 2022). Accelerated procedure involves setting shorter (but fair) time limits for certain steps in the process without compromising the applicant's rights. The directive also permits Member States to identify an application as manifestly unfounded¹¹⁴ in circumstances that allow for the acceleration of the procedure (EUAA, 2022)¹¹⁵.

While the former Asylum Procedures Directive did not differentiate between "prioritized" and "accelerated" procedures, the updated Directive establishes a distinction. Prioritized procedures involve quicker claim assessments without altering regular procedural timeframes or guarantees (in Italy under Art. 28 of PD). On the other hand, accelerated procedures deviate from standard rules by setting shorter yet reasonable time limits for specific procedural steps. These accelerated procedures in EU law often feature shorter appeal periods and may not have a suspensive effect over removal, posing a risk of deportation before an appeal is resolved (ECRE, 2017).

In Italy, under Legislative Decree No. 130, asylum requests originating from repatriation centers (CPR) and those made by applicants from safe countries of origin are subject to an accelerated procedure¹¹⁶. Changes to Article 28-bis of the Procedure Decree (entirely amended by Decree Law 130/2020, implemented by Law 173/2020) introduced different accelerated asylum processes¹¹⁷. These procedures come with specific time limits (5- and 9-day procedures) once the file moves to the Territorial Commission from the *Questura*¹¹⁸.

¹¹⁴ As stressed by UNHCR manifestly unfounded applications could be the one where, "applicants have already had their claim for asylum rejected in another country upon examination of the substance of their claim" (UNHCR, 1992).

¹¹⁵ During the initial phase of the COVID-19 pandemic in 2020, certain countries prioritized accelerated asylum procedures (EUAA, 2022).

¹¹⁶ Accelerated procedures in Italy were formally introduced with Legislative Decree No. 142/2015, which implemented Directive 2013/32/EU. These procedures were characterized by reduced time frames compared to general procedures. The decree-law n. 113/2018 expanded the instances for accelerated procedures. Subsequent amendments (i.e., Decree 130/2020 and Law L 173/2020 under it, further clarified the temporal scope) (Morandi, 2020). The next step in Italy's legislation in this area was a "Cutro Decree" in 2023.

¹¹⁷ See more on evolution of the accelerated procedures in Italy. Morandi (2020). *Le procedure accelerate per l'esame della domanda di protezione internazionale. Analisi dell'art. 28 bis*. Available at: <https://www.dirittoimmigrazionecittadinanza.it/archivio-saggi-commenti/saggi/fascicolo-n-3-2020-1/652-le-procedure-accelerate-per-l-esame-della-domanda-di-protezione-internazionale-analisi-dell-art-28-bis-d-lgs-n-25-2008/file>

¹¹⁸ Article 28-bis (1) Procedure Decree, as amended by Decree Law 130/2020

Process

- **The 5-day procedure:** the Territorial Commission reaches a decision within five days of receiving the file in specific situations. These include "subsequent applications" (it. *domanda reiterata*) without new elements¹¹⁹, or asylum requests from individuals under investigation or convicted for certain crimes hindering international protection¹²⁰. When these circumstances arise, an interview with the applicant may be omitted or is necessary based on the situation.
- **The 9-day procedure**¹²¹: employed by the Territorial Commission when the asylum application is submitted by an individual detained in a CPR, hotspot, or first reception center. It is also applied when the application is made at the border or transit areas under the Border Procedure, for asylum seekers from a "safe country of origin," or when the application is deemed "manifestly unfounded." Additionally, it can be used when the application is made after being apprehended for an irregular stay or attempting to obstruct the issuance or execution of a removal order (AIDA, 2023). The Territorial Commission organizes the personal interview within 7 days of receiving the file and concludes the decision-making process within the subsequent 2 days.

The concept of a "safe country of origin" (SCO) is defined within Articles 36 to 37 of the Asylum Procedures Directive (APD). The SCO implies that in certain countries, according to democratic principles, legal standards, and political conditions, there is a consistent absence of persecution, torture, inhumane treatment, or threats from conflict, aligning with the criteria set in the Qualification Directive (EUAA, 2021)¹²². SCO can be used during the accelerated or border procedures (Art. 31(8), QD). As of now, 22 EU+ nations have implemented SCO lists, and 61 countries are recognized as SCOs. Notably, almost all EU candidate and potential candidate countries, except Turkey, rank among the top five on national SCO lists, as permitted by Article 43. In Italy, the SCO concept was introduced into the legal system through the so-called Security Decree (DL 132/2018, as amended by DL 113/2018).

A crucial aspect of assessing countries of origin (and determining safe countries) is the analytical process within the framework of Country-of-Origin Information (COI). It is considered an essential source of evidence for the authority responsible for examining applications for international protection (EUAA, 2021; Busetto et al., 2017)¹²³.

¹¹⁹"Subsequent application" refers to an asylum request made under specific circumstances outlined in Decree Law 113/2018. It occurs when an applicant submits an asylum application after various scenarios involving a final decision, withdrawal, termination, or rejection of a previous asylum request. This concept was introduced to accommodate situations where a new application is made subsequent to the conclusion of a prior asylum process (AIDA, 2023). See more: <https://asylumineurope.org/reports/country/italy/asylum-procedure/subsequent-applications/>

¹²⁰ The legislation pertains to the subsequent application as stated in Art. 29 (1 b) of the Procedure Decree.

¹²¹ Article 28 bis (2) amended by Decree Law 130/2020 and L. 173/2020.

¹²² Council of the EU, Council Resolution of 30 November 1992 on a Harmonized Approach to Questions Concerning Host Third Countries ('London Resolution'), 30 Nov 1992.

¹²³ See more about COI: Busetto et al., (2017). *Le Informazioni sui Paesi di Origine nella Procedura di Asilo: sempre più rilevanti, ancora poco considerate*, Diritto, Immigrazione e Cittadinanza Fascicolo n. 1/2017.

The time limits for appealing a negative decision in this procedure vary based on the grounds on which the accelerated procedure was applied. Generally, the limit is set at 15 days for most grounds and 14 days for cases involving detention under Art. 6-bis of the Reception Decree (Art. 5, RD). These grounds include applications deemed manifestly unfounded, applications from safe countries of origin, and cases of subsequent applications without new elements, among others (AIDA, 2022). The appeal in an accelerated procedure typically does not have an automatic suspensive effect, meaning the appeal does not immediately halt the execution of the decision being appealed (ibid., 2022). However, an exception is made for applications subject to the border procedure, where the appeal does have an automatic suspensive effect (AIDA, 2023). The Court of Cassation in Italy ruled that the 15-day appeal time limit applies only when the accelerated procedure is used, not just when legal grounds for it exist, emphasizing procedural clarity and the protection of applicants' rights¹²⁴. This decision underscores the importance of procedural clarity and the protection of applicants' rights to a fair appeal process.

Additionally, a decision by the Civil Court of Florence in March 2023 highlighted the importance of adhering to the prescribed timelines in the accelerated procedure¹²⁵. The court ruled that if the terms of the accelerated procedure are not met (for example, if the procedure concludes in 20 days instead of the prescribed 9 days), the effects connected to the accelerated procedure would lapse, resulting in the appeal becoming automatically suspensive (AIDA, 2022).

Immediate Procedures - incorporated into the 5 days accelerated procedure

The immediate procedure, as introduced by Decree Law 113/2018, was repealed by Decree Law 130/2020 and incorporated into the 5-day accelerated procedure¹²⁶. This procedure is applicable in cases where:

- The applicant is under investigation for crimes that may lead to exclusion from international protection, and the grounds for detention in a CPR (eng. Repatriation Centers) apply (AIDA, 2022).
- The applicant has been convicted, even by a non-definitive judgment, of crimes leading to exclusion from international protection. These crimes include serious offenses like devastation, looting, massacre, civil war, mafia-related crimes, murder, extortion, robbery, kidnapping for extortion, terrorism, weapon smuggling, drug dealing, slavery, child prostitution, child pornography, human trafficking, sexual violence, and others (Articles 12(1)(c) and 16(1)(d-bis) Qualification Decree).

¹²⁴ Sentenza Cassazione Civile n. 18518, 30 June 2021.

¹²⁵ Civil Court of Florence, decision of 30 March 2023.

¹²⁶ That is why, they won't be discussed extensively in a separate subchapter.

Under the immediate procedure: The Questura promptly notifies the Territorial Commission upon identifying a case falling under this procedure. The TC then conducts an interview with the asylum seeker "immediately" and decides to accept or reject the application. The law no longer allows for the suspension of the decision by the TC (AIDA, 2022). In case of rejection, the applicant is not automatically obligated to leave the national territory. However, if they appeal, the suspensive effect is not automatic and must be requested. Even if the suspensive request is accepted by the court, the law does not recognize a suspensive effect on the appeal (AIDA, 2023).

EUAA Guidelines on Accelerated Procedures

The European Union Agency for Asylum (EUAA) outlines specific operational standards and indicators for implementing accelerated asylum procedures within EU Member States (EASO, 2019). EUAA (previously EASO) emphasizes the need for effective identification, appropriate application, and consistent monitoring of these procedures. They are designed to balance the urgency of expedited processing with the principles of fairness and protection, especially for vulnerable groups like unaccompanied children (ibid., 2019).

In a broader sense, guidelines cover procedural and jurisdictional safeguards. The handbook stresses the importance of upholding reasonableness and proportionality principles in the asylum process, preventing accelerated procedures from constraining the right to seek asylum or compromising fundamental guarantees (ibid., 2019).

The guidelines include two key standards with indicators:

- *Standard 54* focuses on incorporating accelerated procedures into national asylum legislation, which is crucial for expediting asylum processes in straightforward cases and reducing procedural backlogs. A recommended best practice is the establishment of a digitalized monitoring mechanism to track all applications, including procedural steps and time limits (Indicator 54.1). Additionally, it highlights the importance of ensuring that accelerated procedures are not used or are discontinued when they cannot adequately support vulnerable applicants (Indicator 54.3). Another indicator involves the development of internal guidelines for applying legal grounds for acceleration, which helps maintain consistency and fairness in the process (Indicator 54.2) (EASO, 2019).
- *Standard 55* specifically addresses the application of accelerated procedures to unaccompanied children. Indicators 55.1 and 55.2 emphasize efficient screening to identify them, ensuring proper attention with specific guidelines for accelerating unaccompanied children's cases due to their unique vulnerabilities. Additionally, Indicator 55.3 establishes controls to prevent acceleration when adequate support for their special needs is lacking,

protecting their rights and well-being during the asylum process (EASO, 2019). Importantly, under Legislative Decree No. 130, in Italy, accelerated procedures cannot apply to unaccompanied minors (Art. 2 comma 1 lettera b DL 130/2020).

Accelerated Procedures in Italian practice

Table 20. Accelerated Procedures in Italian practice

Objective	Issues Identified	Details
Ensuring Effective Access to Procedures	Lack of formal and timely communication:	Lack of formal and timely communication to the asylum seeker regarding the application of an accelerated procedure, except for a specific scenario outlined in Art. 10, paragraph 1 of the Legislative Decree No. 25/2008. In this instance, the law states that the police office should inform the applicant that if they come from a designated safe country under Art. 2-bis, their asylum application may be rejected under Art. 9, paragraph 2-bis. The problem lies in the lack of a standardized and comprehensive process for notifying asylum seekers about the possibility of their application being subjected to an accelerated procedure. The information contained in the almost ad hoc reference, created in "Form C3", does not exhaust the informative needs of asylum seekers (Morandi, 2020).
	'Safe country of origin' and overlooking individual circumstances	The safe country concept can be seen as a cultural and psychological measure, impacting the right of asylum by influencing the operators' perception towards applicants from these countries (ASGI, 2020). This approach, used in accelerated procedures, can substantially diminish the legal guarantees for ARs and increase the likelihood of unfounded applications and subsequent judicial appeals (ibid., 2020).
	Prioritized procedures	Despite legal provisions, prioritized asylum procedures are often not implemented as intended. Vulnerable applicants, especially those aided by NGOs or identified early, have better access to the prioritized process (AIDA, 2020). Victims of torture and extreme violence are rarely fast-tracked, typically requiring NGO intervention later (AIDA, 2018). Unaccompanied children, despite legal provisions, don't often benefit from expedited procedures, according to ASGI (2022). This gap between the law and practice highlights challenges in effectively executing swift asylum procedures, particularly for vulnerable groups (AIDA, 2022).
Guaranteeing Proper Administration of Procedures	Repeated asylum requests	The Ministry interprets that in cases where a foreign national makes a repeated asylum request during the execution of an expulsion order, such requests are deemed inadmissible. This interpretation is to counter the instrumental use of asylum requests to delay or prevent expulsion. However, this approach contradicts the Directive, which requires a preliminary examination by the competent authority before declaring a request inadmissible and does not allow for automatic inadmissibility (ASGI, 2020b).
	Physical marginalization and detention	Frequently involving ARs detention or confinement in border areas, has raised concerns regarding potential violations of international and constitutional rights. These rights include the principle of 'non-refoulement', and the right to effective judicial protection (ASGI, 2020c).
	Legal modification and challenges	The Italian asylum system, after the "Decreto Salvini" and further legal amendments like Decree Law 113/2018 and Law 132/2018, has seen a reduction in asylum rights and procedural

		instability ¹²⁷ . New rules include border-accelerated processes for those applying for asylum after evading controls and expedited reviews for applicants from "safe" countries. However, the implementation, especially for Tunisian nationals rescued near Lampedusa, revealed legal ambiguities and resulted in wrongful personal liberty deprivation and procedural confusion, showcasing a disconnect between written and applied procedures (ASGI, 2019).
Ensuring the Right to Appeal	Expulsion orders information and legal assistance	The issue raised by ASGI (2019, 2020) showed the broader trend diminishing the right to asylum in Italy where individuals, despite being legally on Italian territory, while awaiting the outcome of an appeal (also in cases of accelerated procedures), often remain in a state of rightlessness due to administrative delays. In this context, reference was made to the Ministry Directive, that allows for the execution of expulsion orders if a judge's decision on a suspension request is not made within the prescribed time. The Ministry's decision to implement repatriations when judicial decisions on precautionary measures are delayed is deemed illegitimate under Article 46, paragraph 8, of Directive 2013/32/EU. This Directive mandates that asylum seekers have the right to remain in the country until a judge rule on the suspension of a negative asylum decision ¹²⁸ .
	Issues with suspension request	Moreover, uncertainties in law enforcement, resulted in questionable practices, including potential deportations before the Court decide on suspension requests. Additionally, this practice appears to conflict with EU directives safeguarding an applicant's right to remain in the country until a suspension request decision is reached (ASGI, 2020).

Source: own elaboration.

The implementation of accelerated procedures in Italy has been marked by diversified and sometimes illegitimate administrative practices (AIDA, 2023). The combination of rapid examination times and deficiencies in procedural guarantees can seriously undermine the substantive right of asylum seekers to access protection (Morandi, 2020).

¹²⁷“The Salvini Decree arises as the culmination of a communicative strategy aimed at criminalizing asylum seekers, NGOs conducting search and rescue operations at sea, and third-sector organizations promoting and implementing reception projects. A strategy that, in the summer of 2018, was inaugurated by the slogan of "closed ports" and the practice of blocking ships carrying a few dozen or hundreds of migrants rescued from shipwrecks in ports or at sea”(Ambrosini, Campomori, 2020).

¹²⁸ The remarks refer to a circular dated January 13, 2020, where the Interior Ministry intervened on accelerated procedures under Article 28 bis of Legislative Decree No. 25/2008, information obligations under Articles 10 and 10 bis and 26 of the same Legislative Decree, and on the regime of immediate enforceability of orders to expel third-country nationals or stateless persons from the country (ASGI, 2020).

4.2.2.4. Admissibility Procedures

Scope

Admissibility procedures are initiated to determine if a Member State needs to examine an asylum application, based on specific criteria. These include cases where another Member State is responsible under the Dublin III Regulation, where the applicant has already received protection from another Member State, or where another country is deemed the first country of asylum or a safe third country for the applicant (EUAA, 2023).

The admissibility procedure for asylum applications is grounded in the Procedure Decree and influenced by subsequent legislative amendments. Firstly, the grounds for declaring an asylum application inadmissible are outlined in Art. 29, with additional criteria introduced by Decree Law 130/2020 and Decree Law 113/2018. These criteria include cases where an applicant has already received refugee or subsidiary protection status¹²⁹, has submitted a subsequent application without new evidence or elements (or during the removal order, based on Art. 29-bis)¹³⁰, or has failed to comply with specific procedural requirements (Art. 12 (5) PD; AIDA, 2022)¹³¹.

Process

The Decree Law 130/2020 amendments have clarified that the responsibility for declaring asylum applications inadmissible lies with the Territorial Commission (AIDA, 2022). Nevertheless, the President of the TC plays a pivotal role in conducting a preliminary assessment to ascertain the emergence of new relevant elements warranting international protection (Art. 2 (1-bis), PD, inserted by the Reception Decree)¹³². The Procedure Decree mandates a prompt assessment, especially in cases involving imminent removal orders, to ensure that risks of refoulement are evaluated. This legal framework aims to streamline the process, balancing the need for efficient adjudication with the rights of asylum seekers (AIDA, 2022).

¹²⁹ Article 29(1)(a) Procedure Decree.

¹³⁰ Article 29(1)(b) Procedure Decree as amended by L. 50/2023

¹³¹ Article 12 (5) Procedure Decree.

¹³² The MOI circular dated November 13, 2020, includes an annex informing applicants that while the President conducts the initial examination, the decision on inadmissibility is made by the Territorial Commission.

EUAA Guidelines

- The cornerstone of *Standard 57* is the establishment of a screening mechanism. Its primary role is to identify cases that align with the criteria set by the national law of the member state. It prevents the system from being overwhelmed by automatically processing all applications, including those that may not meet basic admissibility criteria (EUAA, 2019)¹³³.
- The third indicator under *Standard 57* requires verification of whether international protection has already been granted to the applicant by another member state. This step is crucial for maintaining the efficiency of the asylum system within the EU, particularly in light of the Dublin Regulation (EUAA, 2019).
- *Standard 58* focuses on the applicant's involvement in the admissibility process. It necessitates informing applicants about the examination under admissibility procedures and the grounds used (Indicator 58.1). A personal interview, with specific questions on inadmissibility criteria and considerations for subsequent applications, is mandatory (Indicator 58.2).
- *Standard 59* ensures that interviews conducted by authorities other than the determining authority are handled by trained personnel. This training includes international human rights law, EU asylum acquis, and interview techniques (Indicator 59.1).
- *Standard 60* requires the development of internal guidelines for conducting personal interviews on admissibility by non-determining authorities, ensuring these guidelines are accessible and applied by relevant staff (Indicator 60.1).

¹³³ Article 33 (2) and Article. 34 (1) APD.

The Admissibility Procedures in Italian Practice

Table 21. The Admissibility Procedures in Italian Practice

Objective	Issues Identified	Details
Ensuring Effective Access to Procedures	Externalizing the Right to Asylum	In a public appeal to the European Parliament, a united group of local NGO and INGO expressed concerns regarding the admissibility procedures in the proposed new Procedures Regulation in 2018. Introduced version of “safe third country” could potentially externalize the right to asylum by allowing a third country to be designated as safe either by the EU or an individual member state (Fachile et al., 2019; ASGI, 2019).
	Detention of applicants with inadmissible claims	ASGI has criticized certain aspects, such as the detention of applicants with inadmissible claims and the potential violation of the APD (recast) (ASGI, 2018; AIDA, 2022).
	First country of asylum concept	There is a risk that the identification of such countries could be based on agreements outside the control of the EU Parliament, potentially leading to arbitrary decisions (ASGI, 2018).
Guaranteeing Proper Administration of Procedures	The exclusive role assigned to the president of the Territorial Commission	Historical application of these rules, as noted in the 2019 Circular from the National Commission, led to automatic declarations of inadmissibility by Questura, bypassing the Territorial Commission's preliminary examination ¹³⁴ . This practice was eventually deemed inconsistent with the recast Asylum Procedure Directive. Amendments made by Decree Law 130/2020 clarified the Territorial Commission's role, but concerns remain, particularly regarding the interpretation of 'imminent removal order' execution phases (AIDA, 2022).
	Changes diluting the current notion of a "safe third country"	ASGI (2018, 2019) criticized the proposed changes for diluting the current notion of a safe third country and removing minimum guarantees that protect the democratic nature of the asylum system. The proposal suggests that mere "sufficient protection" could qualify a country as a safe third country. As a solution, they propose to maintain the current Article 38 of the Procedures Directive in its entirety and suggests several specific amendments to ensure adequate protection standards (ASGI, 2018).
Ensuring the Right to Appeal	The Absence of a Suspensive Effect for Appeal and Lack of Interviews	The absence of a suspensive effect for appeals and lack of interviews, as well as the possibility of dismissing subsequent applications without an interview, indicate a tension between legal efficiency and the protection of asylum seekers' rights (AIDA, 2022). The ASGI proposes making this admissibility procedure optional and introducing amendments to ensure that appeals against inadmissibility decisions have an automatic suspensive effect (ASGI, 2018).

Source: own elaboration

¹³⁴ On November 13, 2019, the Civil Court of Milan instructed the Territorial Commission to reconsider an application denied by the Questura, citing a conflict between Article 29bis of the Procedure Decree and Article 40 of the recast Asylum Procedure Directive (AIDA, 2023).

4.2.2.5. Dublin Procedures

Scope

The Dublin Regulation was initiated by the Dublin Convention in 1990. It was signed as a result of abolishing border controls between member states, stemming from the need for more effective coordination of growing logistical challenges between asylum systems (Vavoula, 2021). At the time of writing, the Dublin III Regulation is in force, implemented in July 2013.

Importantly, 2022 witnessed the highest number of Dublin transfer decisions and requests since at least 2014, with 172,850 decisions taken on 191,291 requests (AIDA, 2023a). This increase may indicate a growing reliance on the Dublin system for managing asylum applications.

The legal basis for Dublin procedures is primarily established by the Dublin III Regulation (Regulation (EU) No 604/2013), which sets the criteria and mechanisms for determining the Member State responsible for examining asylum applications¹³⁵. Complementing this, the Dublin Implementing Regulation provides detailed rules for its application¹³⁶. The Eurodac II regulation¹³⁷ supports the Dublin system by establishing a database for fingerprint comparison, aiding in the identification of the responsible Member State. Additionally, the Visa Information System and the Schengen Information System play crucial roles in data exchange and security management within the Schengen area, relevant to the Dublin procedures¹³⁸. Furthermore, the Directive 2013/32/EU (APD) on common procedures for granting and withdrawing international protection provides procedural safeguards and complements the Dublin Regulation (EASO, 2018; AIDA, 2023).

The Dublin Regulation determines the responsibility for an asylum application assigned to one, usually the first, receiving state (typically the entry state). Exceptions include situations involving unaccompanied minors, family unity protection, or irregular migration, where responsibility may be assigned to another state (Articles 7-14) (EASO, 2018; AIDA, 2023a)¹³⁹. The Dublin III Regulation employs a hierarchical set of criteria outlined in Chapter III. These criteria prioritize family unity and the protection of unaccompanied minors (Articles 8-11 and Art. 16), ensuring that their needs are addressed first (AIDA, 2023a).

¹³⁵ Member States adhere to the Dublin III Regulation while ensuring compliance with European and international human rights commitments, including the 1951 Refugee Convention, the Charter of Fundamental Rights of the European Union, the European Convention on Human Rights (ECHR), and the respective case law of the Court of Justice of the European Union (CJEU) and the European Court of Human Rights (ECtHR) (EAAA, 2019).

¹³⁶ (Commission Regulation (EC) No 1560/2003, as amended by Commission Implementing Regulation (EU) 118/2014)

¹³⁷ (Regulation (EU) No 603/2013)

¹³⁸ VIS Regulation; Regulation (EC) No 767/2008) and the Schengen Information System (SIS II, Regulation (EC) No 1987/2006 and Regulation (EU) 2018/1862).

¹³⁹ The AIDA and ECRE (2023a) Report on Dublin Procedures notes that very limited numbers of transfer requests are based on family unity and humanitarian grounds, even though these provisions are at the top of the hierarchy of responsibility.

The next set of criteria considers the responsibility of the Member State that significantly contributed to the applicant's entry or residence within the EU (Articles 12-15). This approach identifies the state most involved in the applicant's journey or stay as the responsible entity. If neither of these criteria sets is applicable, the responsibility then falls to the Member State where the asylum seeker first lodged their application for international protection (EUAA, 2022).

If an asylum seeker is not present on the territory of the "responsible" state for the application, they may be returned there (*ibid.*, 2022). There are certain circumstances in which one should refrain from returning, for example, when transferring an asylum seeker is legally or practically impossible. In such cases, the initiating state acquires responsibility for processing the asylum application (Art. 17). Member states are responsible for ensuring that the process of returning migrants is conducted with respect for human dignity and rights. This includes the possibility of individual interviews, providing information about the Dublin procedure (such as its timeline or appeal opportunities) (Art. 26), criteria for determining the responsible member state, and ensuring medical assistance if necessary (Art. 4) (AIDA, 2023a).

The state responsible for the asylum application is also responsible for returning the foreigner. The EUAA provides operational and technical assistance. It supports the actions of those member states whose asylum systems are under particular pressure. An example is the case of Italy (EASO, 2018). Additionally, Art. 17 of the Dublin III Regulation contains discretionary clauses. The "sovereignty clause" (Art. 17(1)) enables Member States to assume responsibility for an asylum application even if they are not the designated responsible country based on the standard criteria. The "humanitarian clause" (Art. 17(2)) can be invoked by a Member State to reunite family members on humanitarian grounds, especially for family or cultural reasons, upon request (AIDA, 2023a).

Process

In the process of managing asylum applications, all asylum seekers are photographed and fingerprinted by the Italian police departments (*it. Questura*), with their fingerprints recorded in the Eurodac system. If a match (so-called "Eurodac hit") is found in this system, indicating the asylum seeker's previous presence in another EU country, the police inform the Italian Dublin Unit within the Ministry of Interior (*ibid.*, 2023a). When a foreigner is identified within the Dublin procedure in Italy, the *Questura* transfers the case to the Dublin Unit. The next step is to examine the criteria and identify the appropriate member state responsible for the asylum procedure of the applicant (*ibid.*, 2023a). The *Questura* is responsible for organizing the transfer and providing information to the foreigner. The individual must appear at the designated location and within the specified timeframe. It can be challenging to determine the duration of the Dublin procedure. According to the regulation, Dublin procedures should not exceed 6 months, although it is possible to request an extension of up to 18 months in certain cases (AIDA, 2023).

In the case of returning Dublin cases to Italy as the responsible state (incoming transfers), the same procedure applies¹⁴⁰. Prefectures are additional actors tasked with facilitating the transfer of the foreigner into the territory (EASO, 2018). They should ensure that the individual is sent to the region where they initially submitted their asylum application. In practice, the circular establishing the collaboration of Prefectures in this regard does not specify how they are obligated to facilitate transfers (AIDA, 2023, 2023a; EASO, 2018).

After being returned to Italy, the foreigners are classified into two groups: "attivanti" and "non attivanti" (AIDA, 2023). The first group includes individuals who have not completed the asylum procedure in Italy and have been sent back to continue it. "Non attivanti" refers to individuals who have formalized their presence in Italy by submitting a C3 application. These are also individuals who have been denied international protection (ASGI, 2015).

In 2020, due to legal changes, Dublin cases were allowed back into the Italian reception system with access to the second level of reception, known as SAI (AIDA, 2021). However, in 2023, this opportunity was once again revoked (AIDA, 2023). In practice, this means that, as confirmed by the Dublin Unit, there are no guaranteed reception places for returning foreigners, except for individuals in particularly vulnerable situations (ASGI, 2023). Until 2023, the law did not allow for the detention of migrants awaiting Dublin procedures. In March, a reform was adopted that introduced this possibility (Art. 6-ter of the Reception Decree)¹⁴¹.

In Italy's Dublin Regulation process, asylum seekers receive notification of their transfer to another Member State, decided by the Dublin Unit, via the Questura. Appeals against the transfer must be filed within 30 days at the Civil Court of Rome. If the asylum seeker is in a reception center, the appeal falls under the jurisdiction of the Civil Court nearest to the center, not the Dublin Unit's location. Legal representation is mandatory for appeals, although asylum seekers can seek legal aid (Art. 3 (3-ter) PD, amended by Art. 6 Decree Law 13/2017, L46/2017). Under Italy's Procedure Decree, the transfer of asylum seekers is not automatically suspended until the appeal deadline expires (doesn't have the suspensive effect) (AIDA, 2023). The transfer halts only if the appeal specifically requests suspension. ASGI observes that in practice, the Questura typically waits for the 30-day appeal period to end before organizing transfers (ibid., 2023).

¹⁴⁰ In the case of returning Dublin cases to Italy as the responsible state (incoming transfers), the same procedure applies. If the responsibility is explicitly acknowledged according to the Regulation, the most convenient airport is designated for individuals to arrive at for easy access to the assigned Questura. If the procedure operates "through silent acceptance" between member states, foreigners arrive at the main Italian airports in Rome and Milan. At the location, the Border Police provides foreigners with an "il verbale d'invito" (i.e., an invitation letter within the Dublin procedure) and directs them to the Questura they must report to (AIDA, 2020; AIDA, 2023a).

¹⁴¹ Article 6 ter (1) of the Reception Decree introduced by L. 50/2023 converting into law with amendments the DL 20/2023.

EUAA Guidelines for Dublin procedures

The EUAA handbooks outline the criteria and standards for Dublin Regulation actions. The procedures for identifying potential cases are described in detail. The guidelines also cover the use of *DublinNet* and the EURODAC network (AIDA, 2023). *DublinNet*, established under Article 18 of the Dublin Regulation, is a system used for encrypted communication between member states regarding the request to take over a foreigner. EURODAC is a European Union fingerprint database created to support the identification of asylum seekers and irregular migrants. It is primarily used to determine the responsible state for processing asylum applications in accordance with the Dublin Regulation (EASO, 2017; EASO, 2019).

- The guide emphasizes the importance of applying legal provisions based on the material facts of each case (EASO, 2019).
- The Dublin III Regulation establishes a hierarchy of criteria for determining the responsible Member State. The first criteria consider application from unaccompanied minor, family unity, especially for minors or dependent family members (Article 7(2) and 7(3) Dublin III Regulation)¹⁴².
- The guide specifies that applicants should be provided with detailed information about various aspects of the Dublin III Regulation (Art. 4 (1)). This includes the interview process, regulations objectives, the consequences of making another application in a different Member State, and the hierarchy of criteria for determining the responsible Member State. It is important to inform applicants that Member States may exchange their data and that they have the right to access data related to them. The information must be provided in a manner that is accessible and understandable to the applicant. This means providing it in writing, in a language that the applicant understands (Art. 4 (2); Art. 5(3), Art. 5 (4), Art. 5 (5), Dublin III Regulation; EASO, 2019).
- The Dublin III Regulation mandates that the interview must occur in a timely manner and before any transfer decision is made. The latest acceptable timing is after the requested Member State agrees to take charge or take back the applicant (Art. 4 of the Dublin Regulation). Depending on the national asylum system, the Dublin personal interview may be integrated into the registration interview, as long as it meets the requirements for a personal interview (EASO, 2019).
- It's important that the case officer conducting the interview is aware of the results from the EURODAC database fingerprint comparison. If new information arises from the database

¹⁴² Then, if the applicant has been legally residing in a Member State or has a visa issued by a Member State, that state is typically responsible for examining the asylum application. In cases where an applicant entered or stayed irregularly in a Member State, that state may be responsible for the asylum process. Similar to irregular entry, if an applicant entered a Member State under a visa waiver program, that state might be responsible. If an applicant has previously lodged an application in a Member State, that state might again be responsible for examining any subsequent applications (AIDA, 2023).

indicating another Member State's responsibility, a second Dublin personal interview may be necessary to inquire about specific circumstances that could affect the determination process (ibid., 2019).

- Case officers, including border guards and registration officers, are encouraged to follow EASO training modules on Interview Techniques and the Dublin III Regulation. The modules cover fundamental aspects of the Dublin III Regulation, the use of the Eurodac database, and specific scenarios like family reunification and handling cases of unaccompanied minors (ibid., 2019).
- Maintaining confidentiality and trust, as stressed in Art. 5(5) of the Dublin III Regulation, is critical. The case officer should foster an atmosphere of trust and confidence, using empathy and professional conduct. The interview should be a dialogue, “with the applicant doing most of the talking” (ibid., 2019).
- The guide advises keeping questions short, simple, and easy to understand to avoid misunderstandings. It recommends using open questions to encourage the applicant to provide detailed information relevant to determining responsibility. The case officer should give applicants opportunities to clarify any inconsistencies or contradictions in their statements (ibid., 2019). The interview should cover topics related to the applicant's personal situation, family ties, and travel route (ibid., 2019).
- According to Art. 22 of the RCD, Member States are required to assess if an applicant has special reception needs. This obligation extends to Dublin procedures, as per Art. 24 of the APD. Identifying vulnerabilities is crucial not only for appropriate interview conduct and referral mechanisms but also because it can directly influence the responsibility determination process under Art. 16 and 17 of the Dublin III Regulation. The identification of vulnerabilities is relevant for exchanging health-related information during Dublin transfers (Art. 32 of the Dublin III Regulation)¹⁴³. The most common categories of vulnerable people are single mothers, accompanied and unaccompanied children, people with disabilities, victims of human trafficking, persons subjected to torture, rape, or other serious forms of psychological, physical, or sexual violence, and elderly people (EASO, 2019; EUAA, 2023).
- If an applicant's health condition renders them incapable of transfer, Member States should suspend the transfer until the individual is fit. Alternatively, they can choose to examine the asylum application themselves using the discretionary clause under Art. 17(1) of the Dublin III Regulation. If the health condition prevents transfer within six months, responsibility shifts to the requesting Member State as per Art. 29(2) of the Dublin III Regulation (EUAA, 2019).

¹⁴³ The Court of Justice of the European Union (CJEU) has ruled that transfers can pose a real risk of inhuman or degrading treatment, especially for asylum seekers with serious mental or physical conditions (CJEU judgement of 16 February 2017, *C.K. and Others v Supreme Court of Republic Slovenia*, C-578/16 PPU).

Dublin Procedures in Italian practice

In 2022, Italy received 27,928 incoming requests under the Dublin procedure and carried out 2,331 transfers, marking an increase compared to 2021 when there were 19,936 transfers (AIDA, 2022). Outgoing procedures involved 5,315 requests, also indicating an increase from the 3,318 requests in the previous year. Importantly, the actual number of transfers in outgoing procedures was only 65 (compared to 153 transfers in 2021). The Dublin Unit in Italy worked on 196 cases involving unaccompanied minor foreigners eligible for transfer under the Dublin Regulation (AIDA, 2022). In December 2022, the Italian Dublin Unit sent a letter to the member states, informing them of the suspension of incoming transfers to Italy. This decision was made due to a lack of capacity in the reception system. The suspension did not apply to unaccompanied minor foreigners and family reunification procedures (AIDA, 2022c).

Table 22. *Dublin Procedures in Italian practice*

Objective	Issues Identified	Details
Ensuring Effective Access to Procedures	Lengthy procedures	One of the primary challenges in the Dublin procedures in Italy is the length of time it takes to process requests. This can be due to bureaucratic delays, a high volume of applications, and the complexity of individual cases (AIDA, 2023). In 2021, ASGI indicated that in over half of the cases, the procedures lasted longer than a year (ASGI, 2021).
	Lack of adequate information	Despite clear guidance and operational support from the EUAA - migrants are not adequately informed about the procedure ¹⁴⁴ . They usually learn about the procedures from local NGOs. They are also not assessed for vulnerability (ibid., 2021)
	Ineffective cooperation with some member states¹⁴⁵	This is related to the number of actual returns (compared to the number of notifications). This may indicate inefficiencies in the system. At the same time, the burdens resulting from the Regulation lead to prolonged asylum procedures, leaving asylum seekers (ARs) in limbo. In terms of protecting asylum seekers, the practice of returning migrants from places where they often spent years and were integrated into the community is problematic. Forcing them to return to countries where they do not want to stay can hinder their integration and lead to marginalization (EUAA, 2023b).
	Risk of Refoulement	There are concerns about the risk of refoulement, or the return of asylum seekers to countries where they may face danger. This is particularly concerning in cases where the Dublin procedure results in a transfer to a country with a less robust asylum system or where the asylum seeker has specific vulnerabilities. In some cases, even Italy was considered as a country without a procedural capacity. For example, in a 2019 ruling, the Swiss Federal Administrative Court annulled the transfer of an asylum-seeking family to Italy under the Dublin III Regulation, citing "serious doubts about the capacity of the Italian system" due to disparities in reception standards, including insufficient staffing, overcrowding in centers, limited space for assistance services, and poor sanitary conditions, following changes introduced by the so-called "Salvini Decree." (AIDA, 2023a; Meltingpot Europa, 2020; Magri, 2020)

¹⁴⁴ In the context of the substance of the lack of information provided, the Ombudsman General issued opinions on April 20, 2023. It was held that violations of the obligation to provide information can lead to the annulment of transfer decisions only if it is shown how the rights of the asylum seeker were specifically affected (AIDA, 2023).

¹⁴⁵ Germany and France are the primary users of the Dublin system. These requests make up 28% and 30% of the asylum applications received in each country, and together, they constitute 60% of all outgoing requests (AIDA, 2023a)

Guaranteeing Proper Administration of Procedures	Holding facilities	Some of the holding facilities, like those in the Rome Fiumicino Airport lack dedicated structures for asylum seekers and refugees. The Report on the Dublin Procedures in Italy (Leo, 2016) highlights the inadequate conditions, including the absence of beds, family rooms, and proper sanitation facilities (ibid., 2016). <i>Foreign citizens who remain at the airport – including children, pregnant women, and other people with particular vulnerabilities or disabilities – are forced to sleep on the airport seats or even on the floor of the room for several days</i> (ibid., 2016, p.6). The duration of stay at the airport for asylum seekers and protection holders is highly variable and can extend up to a week.
	Reception obstacles	Dublin returnees in Italy face significant challenges in accessing accommodation in the System of Reception for Asylum Seekers and Refugees (SAI) (AIDA, 2023c).
	Disproportionate burden on the frontline state's asylum system	It is exacerbated by the high volume of requests for incoming transfers. One of the consequences is an inefficiency in Italy's reception system (Leo, 2016; AIDA, 2022; AIDA, 2023c).
	Living conditions during procedures	Asylum seekers often face difficult living conditions while they await the outcome of their Dublin procedure. This includes overcrowding in reception centers (mostly CARA and CAS) limited access to healthcare and legal assistance, and challenges in accessing basic necessities. The ASGI (2016) monitoring report highlights the lack of adequate legal and psychological support for asylum seekers in these centers (Leo, 2016). While SPRAR centers generally offer better conditions than CARA, the report points out that there are still issues, such as delays in accessing these centers and difficulties in integration and support services (Leo, 2016; AIDA 2023c).
	Forced return of vulnerable individuals	Forced returns of vulnerable asylum seekers, or already identified trafficking victims is considered particularly harmful. The disregard for prioritizing family regulations has also been criticized (AIDA, 2021, 2022).
Ensuring the Right to Appeal	Vulnerable individuals and appeal	The practice of returning vulnerable individuals without adequately prioritizing family regulations, raises concerns about the right to appeal and the consideration of individual circumstances and vulnerabilities in the Dublin procedure (AIDA, 2023c).
	Suspended acceptance of incoming Dublin transfers	Some member states suspended acceptance of incoming Dublin transfers in 2022, due to various reasons, including the management of arrivals of displaced people from Ukraine. Italy made that decision due to the “saturation” of its reception system in October 2022 (AIDA, 2023c) ¹⁴⁶ . Importantly, this indirectly can affect asylum seekers’ rights to appeal decisions and impacts their ability to access asylum procedure.

Source: own elaboration.

¹⁴⁶ Some of the countries halted the Dublin outgoing procedures to Italy. Nevertheless, German authorities are still making Dublin transfer decisions, even though Italy has not been effectively receiving transfers in practice. See more: AIDA, *Country report: Germany – Update on the year 2022*, April 2023. Available at: <https://bit.ly/3FpX8qe>, 59.

4.2.3. Reception

4.2.3.1. Reception Procedures and Conditions

Scope

The Italian reception system for asylum seekers and migrants with national/international protection is regulated by Legislative Decree 142/2015, commonly referred to as the "Reception Decree". This legislation, which incorporated the revised Reception Directive into Italy's legal framework, was introduced in 2015 and has been amended multiple times (AIDA, 2024). The system is intended to operate as a unified structure, progressing through various stages and primarily focused on the SAI (Reception and Integration System, previously known as SPRAR and SIPROIMI) (AIDA, 2022).

Significant changes to Italy's reception system were introduced through Decree Law 113/2018, formalized by Law 132/2018, known as the "Salvini Decree" or "Security Decree." To revert to the original framework of Legislative Decree 142/2015, Decree Law 130/2020 was established as Law 173/2020, referred to as the "Lamorgese Decree." This amendment reinstated a unified reception system for both asylum seekers and individuals with national or international protection (European Commission, 2021; AIDA, 2022). Before 2020, the reception system had a dual structure: first and second reception. Post-amendment, it retains this duality but differentiates into the following categories:

- **First aid and identification:** This is based on the hotspot system, where activities occur in centers near main disembarkation points. Initially designed as First Aid and Reception Centres (CPSA) in 2006, these now operate as Hotspots (AIDA, 2023).
- **First assistance:** Implemented in existing collective centers or those established by specific Ministerial Decrees, including CARA (it. Centri di Accoglienza per i Richiedenti Asilo) and CDA centers (it. Centri di Accoglienza). First assistance can also occur in Temporary Reception Centres (it. Centri di Accoglienza Straordinaria, CAS) in case of "a large number of close-set arrivals of asylum seekers" (AIDA, 2023)¹⁴⁷.
- **Second reception level:** This takes place within the SAI System (it. Sistema di Accoglienza e Integrazione), previously known as SPRAR and later SIPROIMI¹⁴⁸.

¹⁴⁷ Accommodation in a CAS (Extraordinary Reception Centre) is meant to be temporary, lasting only until the applicant can be relocated to a SAI center Article 11(3) Reception Decree, as amended by Decree Law 130/2020). Characterization is included in the later stages of the chapter.

¹⁴⁸ Sistema di protezione per titolari di protezione internazionale e per minori stranieri non accompagnati (SIPROIMI).

Process

The law mandates that asylum seekers should be admitted to reception facilities soon after declaring their intent to apply for asylum, with priority given to vulnerable cases (AIDA, 2022). Access to the second reception level should be prompt, following a brief period for verifying eligibility and finding a suitable location (Openpolis, 2023). Financing and monitoring the Italian reception system are crucial components of the national strategy aimed at managing migratory flows and safeguarding asylum seekers' rights (Acocella, 2022). According to the Procedure Decree, police authorities must distribute a written brochure to asylum applicants at the point of submitting their application, detailing their rights, obligations, and relevant procedural timelines (Art. 10, PD). The Reception Decree further stipulates that such information should be available in reception centers within 15 days of the application, facilitated by interpreter assistance. Additionally, unaccompanied minors must be informed of unique legal safeguards and procedures established for their benefit (PD 21/2015)¹⁴⁹.

4.2.3.2. First level of reception

- **Hotspots**

They are a designated area, usually (but not necessarily) near a landing site, where incoming individuals land safely and are supported as soon as possible in compliance with Italian regulatory framework. Migrants undergo medical screenings and receive initial written information about immigration and asylum laws (AIDA, 2022). “After being informed about their current status as irregular persons and the possibilities for applying for international protection, applicants are photo-identified” (Dipartimento Libertà Civili e Immigrazione, 2016). “The 'hotspots' were intended to improve coordination of EU agencies and national authorities' efforts at the external borders of the EU, in the initial reception, identification, registration and fingerprinting of asylum-seekers and migrants” (European Parliamentary Research Service, 2023). The hotspot approach is considered as crucial to the identification and relocation efforts (especially from Italy and Greece), as outlined in the Council Decisions of September 2015¹⁵⁰.

As of the end of 2022, Italy had four operational hotspots located in Apulia (Taranto) and Sicily (Lampedusa, Pozzallo, and Messina), serving as initial reception centers for migrants.¹⁵¹ Moreover, the *Moi Decree* from August 5, 2019, aimed to streamline the *accelerated procedure* for individuals

¹⁴⁹ The obligation to provide essential information also extends to the Dublin procedure and detention, as regulated by Art. 11(6) and 11ter of the TUI (AIDA, 2023e).

¹⁵⁰ In 2021, the number of individuals entering the hotspots increased to 44,242, showing a rise from 28,884 in 2020. This number marks a significant increase compared to 7,757 in 2019 and 13,777 in 2018, indicating an upward trend in hotspot arrivals over these years. See more: AIDA (2023). Country Report: Hotspot.

¹⁵¹ During COVID, the hotspot approach gained prominence. Reports from international and local organizations indicated concern about the use of quarantine boats as hotspot settlements. This approach ended in June 2022 (AIDA, 2023).

in hotspots, pinpointing areas close to such centers - Taranto, Messina, and Agrigento (including the Lampedusa hotspot) - as key transit and border zone (European Parliamentary Research Service, 2023).

After identification, migrants wishing to seek asylum are moved to first-level reception centers to await the outcome of their international protection application (Szulc and Szymaniak, 2020).

The Italian Consolidated Act on Immigration mandates that migrants apprehended on irregular crossing or rescued at sea be sent to "crisis points" in first reception centers, including hotspots¹⁵². A 2018 decree allows for detaining individuals with undetermined nationality for up to 30 days in hotspots for identification purposes (AIDA, 2023). Services are basic and aimed at addressing immediate health and safety needs (ibid., 2023).

- **CPR** (it. *Centri di Permanenza per i rimpatri*)

Detention centers for repatriation in Italy, as delineated by Article 14 of Legislative Decree 286/1998, are designated facilities for detaining individuals who either do not apply for international protection or fail to meet the necessary criteria. These centers were established for foreign nationals awaiting the execution of expulsion orders and to facilitate the return process (Article 14, Legislative Decree 286/1998). Detention is based on a Questor's order for a period of 30 days, extendable to a maximum of 90 days (AIDA, 2024). In special cases, the detention period may be extended for another 30 days (Parlamento Italiano, 2022).

The evolution of Italy's legislation, particularly through Decree Law 113/2018 and its amendment by Decree Law 132/2018¹⁵³, expanded the scope of detention. The Law of October 21, 2020, no. 130, introduced key changes to detention in CPRs, prioritizing detention for individuals posing a public safety threat or having serious criminal convictions, and extending detention criteria for asylum seekers (AIDA, 2024). Detained individuals are allowed to make requests or complaints to rights guarantors and may face deferred arrest for crimes related to detention circumstances. Moreover, Decree Law 20/2023, converted into Decree Law 50/2023¹⁵⁴, introduced a further scenario for the detention of asylum seekers directly in hotspots (European Parliamentary Research Service, 2023).

As of June 2020, CPRs were located in Bari, Brindisi, Caltanissetta, Gradisca d'Isonzo, Macomer, Palazzo San Gervasio, Rome, Turin, and Trapani (Parlamento Italiano, 2022).

¹⁵² A legal definition of the hotspots' structure was nonetheless introduced by Decree Law No 13/2017 (amended a few months later by Law 46/2017).

¹⁵³ Legge 1 dicembre 2018, n. 132. Conversione in legge, con modificazioni, del decreto-legge 4 ottobre 2018, n. 113, recante disposizioni urgenti in materia di protezione internazionale e immigrazione, sicurezza pubblica. (GU n.281 del 03-12-2018)

¹⁵⁴ GU Serie Generale n.104 del 05-05-2023

- **Government centers** (*it. Centri governativi*)

As established by Legislative Decree no. 142/2015, these centers carry out first reception activities, including the identification of foreigners when it cannot be completed in hotspots. The asylum application review is initiated at this stage, alongside health assessments and the identification of any vulnerabilities or special needs. This approach is guided by national and interregional coordination meetings (Art. 9). Initially, it was implemented in existing facilities like the former Asylum Seeker Reception Centers (CARA) and Reception Centers (CDA). These have now been replaced by the broader category of "government facilities" (Parlamento Italiano, 2023).

The transfer of applicants is arranged by the prefect, in consultation with the Department for Civil Liberties and Immigration of the Ministry of the Interior (*ibid.*, 2023). As of December 2023, nine first reception centers were still active (AIDA, 2023d).

- **CDA** (*it. Centri di Accoglienza*) **and the CARA** (*it. Centri di Accoglienza per i Richiedenti Asilo*)

The CDA provide initial identification and legal status checks for foreigners in Italy, while CARA supports asylum seekers starting their international protection procedures (Legislative Decree No. 140/2005, later repealed by LD No. 142/2015)

The CARA were established in 2002 and were later regulated by Presidential Decree No. 303/2004 and Legislative Decree No. 25/2008. These centers accommodate asylum seekers (without regular status) who are admitted to or present on national territory while awaiting the outcome of their international protection requests. Following the 2020 reform, the range of services was expanded from first assistance and basic healthcare to include social and psychological assistance, cultural mediation, Italian language courses, legal information services, and information on territorial services (AIDA, 2023d). In CARA, migrants stay until a competent territorial commission reviews their international protection request or until they are assigned to second reception facilities (SPRAR/SIPROIMI/SAI) (*ibid.*, 2023d). According to Legislative Decree No. 142/2015, the CARA and CDA centers should have been converted into "governmental centers of first reception" (*ibid.*, 2023d; Parlamento Italiano, 2023).

- **CAS** (*it. Centri di Accoglienza Straordinaria*)

Extraordinary Reception Centers (CAS) are temporary reception facilities established to accommodate asylum seekers and migrants when the capacity of government-run centers is exceeded due to large influxes of applicants (Art. 11, Reception Decree). In practice, CAS are a hybrid structure, straddling first and second accommodation (Rossi, 2021). Prefectures, in coordination with local authorities, establish CAS to meet the urgent housing needs of migrants. A significant number of refugees rely on these provisional facilities due to the limited capacity of traditional services (Parlamento Italiano, 2023). Services

in CAS are similar to those in CARA and CDA but are marked by variability in quality and extent, largely depending on the managing entity and available resources. The 2020 reform aimed to improve services in CAS by reintroducing essential support functions, although challenges remain in ensuring consistent and high-quality service provision (AIDA, 2023b).

4.2.3.3. The second level of reception

- **SAI** (it. *Sistema di Accoglienza e Intra-grazione*)

Since its inception in 1999, the second reception system (known as SPRAR, it. *Sistema di Protezione per Richiedenti Asilo e Rifugiati*) was formally established by Law No. 189 on July 30, 2002, under the coordination of the Ministry of the Interior and in collaboration with ANCI (The National Association of Italian Municipalities) (Giovanetti, 2021). Local authorities voluntarily join the system and implement projects with the support of third-sector entities (Parlamento Italiano, 2023). The program's primary objective was to facilitate comprehensive integration - encompassing social, educational, vocational, and cultural aspects - within local communities (Swiss Refugee Council, 2016). To achieve this, SPRAR predominantly utilized small-scale housing solutions, such as individual apartments and residential buildings. Initially, the program offered annual and biennial funding options, which later expanded to include a three-year financing option to initiate projects (Marchetti, 2016, p. 130). Over the years, it has changed its name (SPRAR, SIPROIMI, and currently SAI) and (marginally) its operating framework¹⁵⁵.

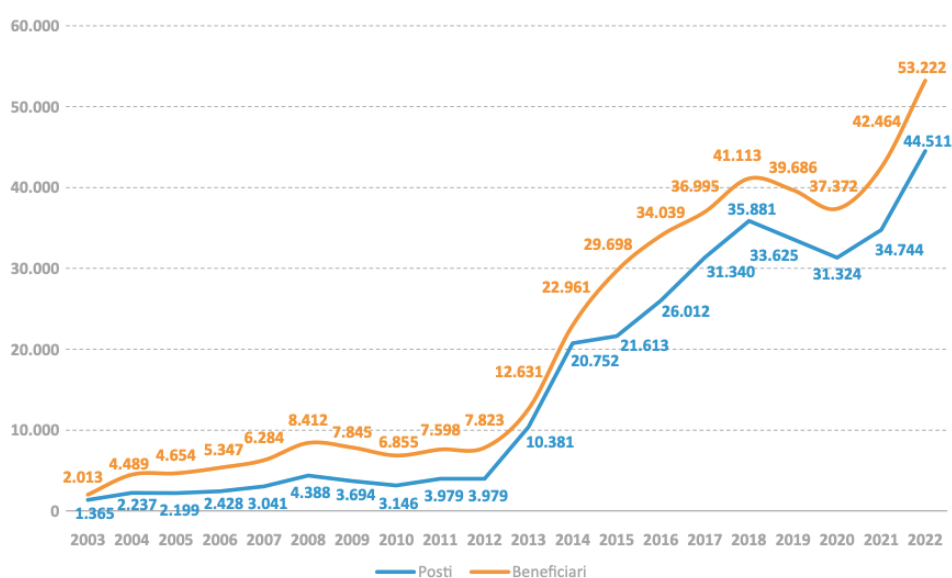
Following the amendments introduced by Decree Law 20/2023 (Art. 5-ter), SAI services are primarily designated for holders of international protection and unaccompanied foreign minors (all minors, regardless of their international protection status). Additionally, certain categories of residence permit holders, as delineated in the Consolidated Act on Immigration, may also access the services, contingent upon availability. These categories include permits for special protection, social protection, survivors of domestic violence, disasters, and severe labor exploitation (Rete SAI, 2023).

Currently, only certain asylum seeker categories are eligible for the SAI facilities: those entering Italy under humanitarian corridor protocols, following evacuations or national resettlement programs; asylum seekers in vulnerable positions; Afghan citizens seeking international protection post-evacuation by Italian authorities; and Ukrainian refugees, as per emergency legislation provisions (Parlamento Italiano, 2023). After receiving a decision on granting special protection status, subsidiary protection status, or refugee status, a person can stay in SAI for 6 more months, with the possibility of extending this period for another 6 months (ibid., 2023).

¹⁵⁵ For 2023, the allocated resources from the Ministry of the Interior's budget amount to € 692.4 million, incorporating both national resources and annual allocations from the European Refugee Fund.

In 2022, the SAI network saw an increase in the number of projects, from 851 to 945, involving over 2,000 local entities. This expansion allowed for the accommodation of more than 53,000 beneficiaries, marking an 11% increase in the number of places available compared to 2021. The distribution of places across regions reflects broad engagement, with significant numbers in regions like Sicily (15.8%), Campania (11%), and Puglia (9.8%). The system provided for a diverse group of beneficiaries, including ordinary categories (76.1%), unaccompanied foreign minors (MSNA) (22.4%), and individuals with mental health issues or physical disabilities (1.6%) (Rete SAI, 2023). The chart from the Rete SAI report (2023) illustrates the growing number of available places and program beneficiaries.

Figure 7. Capacity and number of beneficiaries in the second reception level in Italy (2003-2022)



Source: Rete SAI (2023) *Rete Sai. Rapporto Annuale 2023. Sistema di Accoglienza e Integrazione.*

EUAA Guidelines

Directive 2013/33/EU of the European Parliament and of the Council, known as the Reception Directive, establishes standards for the reception of applicants for international protection within the EU (EASO, 2016). Below, I identify some of the provisions that are crucial for ensuring effective access to asylum seekers' rights and protection.

- Member States are required to inform applicants within 15 days of lodging their application for international protection about their rights and obligations concerning reception conditions (Art. 5, RD) (EASO, 2016).
- Housing and material conditions must be in line with the principle of promoting their physical and mental health, well-being, and the ability to integrate into society. Housing should be appropriate for the needs of various types of households, including families and persons with special needs.

The Directive allows for flexibility in how Member States provide material reception conditions (housing, food, clothing, and a daily expense allowance). These can be provided in kind, through financial allowances, or vouchers, with the aim of ensuring a dignified standard of living (Art.17-20, RD) (ibid., 2016).

- Applicants are allowed to move freely within the territory or within an area assigned by that Member State. The assigned area must not infringe on the private life of the applicant and should allow access to all benefits under the Directive, ensuring a dignified standard of living. Member States have the authority to decide on the residence of the applicant for reasons related to public interest, public order, or the swift processing and effective monitoring of the application for international protection. This provision allows Member States to impose restrictions on the residence of applicants but must be balanced against the applicants' rights and needs. Moreover, Applicants must be provided with the possibility of being granted temporary permission to leave the assigned residence or area (Art. 7, RD). (ibid., 2016).
- Applicants must have access to emergency health care and essential treatment of illnesses. Special attention is given to vulnerable groups, including those with serious mental disorders, ensuring they receive the necessary medical or other assistance (Art. 19, RD) (ibid., 2016).
- The Reception Conditions Directive grants applicants' access to the labor market no later than nine months from the date of application for international protection, but under conditions (and national law) defined by Member States (Art. 20) (EASO, 2016)¹⁵⁶.
- The Directive emphasizes the importance of identifying applicants with special reception needs, such as minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, persons with serious illnesses, and persons with mental disorders. Member States are required to assess these needs and provide appropriate support to ensure these individuals' rights and obligations under the Directive are met effectively (Art. 21) (ibid., 2016)
- The directive stipulates that applicants should not be detained merely for seeking international protection (Art. 8) (ibid., 2016).

¹⁵⁶ Nevertheless, the Directive also mentions that: "for reasons of labour market policies, Member States may give priority to EU citizens and nationals of States parties to the Agreement on the European Economic Area and to legally resident third-country nationals who receive protection in accordance with Directive 2011/95/EU" (Directive 2013/33/EU) (EASO, 2016).

Reception System in Italian Practice

The reception system, as currently structured, faces significant challenges that undermine its ability to guarantee effective access to the rights and protection of asylum seekers. In the Table 23, I present the focus of AIDA reports from 2015 to 2021 regarding the major challenges and changes in the Italian reception system. Following this, I outline the most frequently identified issues in accessing reception and the obstacles contextualized within each type of facility.

Table 23. *Key Obstacles and Challenges in Italian Reception System for Asylum Seekers identified by Asylum Information Database (AIDA) (2015-2021)*

Year	Obstacles & Challenges	Key Legislative Changes
2015	Overcrowding (especially in CARA ¹⁵⁷) Lack of legal information Length of procedures and lack of systematic monitoring Variability of reception conditions No consideration for special reception needs	LD 142/2015 ¹⁵⁸
2016	Overcrowding and variability persists CARA changed in first reception facilities without maximum stay limit; Integration challenges Small number of refugees can in practice access second level of reception	None
2017	Deteriorating conditions of hotspots Permanent use of temporary facilities (CAS) and limited access to second reception Lack of facilities for minors and unaccompanied minors	L 46/2017 (“Orlando-Minniti Decree”) and the abolition of the second-instance appeal
2018	Deteriorating conditions Increasing problem of arbitrary detention Irregularity between MARs and abolition of humanitarian protection	Security Decree and introduction of SIPROIMI second reception level
2019	Challenges for vulnerable groups Ongoing impact of Security Decree	None
2020	COVID-19 related challenges and violations Decrease in arrivals	None
2021	Ongoing issues with reception conditions and overcrowding Limited access to second level of reception Changes in type and level of services in first and second reception	Decree Law 130/2020 converted into Law 173/2020 and introduction of S.A.I.: System of accommodation and integration ¹⁵⁹

Source: own elaboration, based on the Country Reports of Asylum Information Database (AIDA, 2015-2021).

¹⁵⁷ In 2015 report two case studies of particular challenges were identified: CARA di Mineo, and CARA di Castelnuovo di Porto (AIDA, 2015).

¹⁵⁸ LD 142/2015 modified Procedure Decree 25/2008 and revoked Reception Decree 140/2005, except for its financial provisions, with no significant changes to the prior reception system. It also annulled Articles 20 and 21 of the Procedure Decree concerning reception and administrative detention. Furthermore, LD 142 introduced a more protective provision for trafficked asylum seekers, enabling their referral to a specialized program of social assistance and integration as outlined in Article 18(3-bis) of LD 286/1998. (AIDA, 2015).

¹⁵⁹ The mentioned modifications partially reinstate the reception framework established by Legislative Decree no. 142 of 2015 (Reception Decree).

Table 24. Reception System in Italian Practice (Access to reception facilities)

Objective	Issues Identified	Details	Type/Level of Reception Facilities
Ensuring Effective Access to Procedures	Persistent access barriers	Obstacles in accessing reception centres immediately after claiming asylum and undergoing initial registration, exacerbated by bureaucratic delays and COVID-19 measures, “forcing some to resort to emergency facilities or sleep rough” (AIDA, 2016, p.34; AIDA, 2015-2021). Unaccompanied minors in cities like Crotona, Udine, Bari, and Catania faced delays up to three months (Medecines Sans Frontiers, 2018).	Hotspots, CAS, CPA
	Limited accommodation and barriers	Eastern border challenges with limited accommodation and barriers to accessing the asylum procedure. Example: Pordenone, where asylum seekers were fined for squatting due to lack of accommodation and had to wait 10 months to lodge applications (AIDA, 2015, 2016; ANSA, 2016).	CPA, Hotspots
Guaranteeing Proper Administration of Procedures	Inadequate withdrawal of reception conditions	Prefectures extensively utilize provisions to withdraw reception conditions often based on insufficient assessments (NAGA, 2019). Although the scale of the phenomenon is not sufficiently known, it is estimated that more than 100,000 individuals have lost access to reception facilities by 2019 (there are no data available since 2020) (AIDA, 2017 – 2021; MSF, 2016, 2018). One of the examples could be the Prefecture of Verona’s note for automatic withdrawal of reception conditions for reasons such as unauthorized absence or smoking, without assessing individual circumstances (AIDA, 2016; Melting Pot Europa, 2018).	CPA, CAS
	Denial of accommodation to vulnerable individuals	One of the examples is the Prefecture of Pordenone’s denial of accommodation to vulnerable individuals, including an elderly person from Armenia, based on the assumption they were not destitute due to their ability to afford the journey to Italy (Melting Pot Europa, 2019). Moreover, in Veneto, a court intervened to provide provisional reception for a trafficking victim when the Padua Prefecture initially refused to acknowledge her case as <i>force majeure</i> and denied access to reception centers. The survivor left the accommodation, due to threats from a criminal organization (AIDA, 2023f).	CPA
Ensuring the Right to Appeal	Exclusion from suspensive effect	Amendments by Decree Law 113/2018 exclude some asylum applications from suspensive effect in case of appeals, leading to immediate expulsion orders. In places like Trieste, Friuli-Venezia Giulia, this led to asylum seekers being notified of both the inadmissibility decision and the withdrawal of reception conditions on the same day (AIDA, 2019, 2020, 2021).	All types

Source: own elaboration

Table 25. Reception System in Italian Practice (Hotspots)

Objective	Issues Identified	Details	Type/Level of Reception Facilities
Ensuring Effective Access to Procedures	Arbitrary and informal legal status determination	Informal legal status determinations based on nationality impede access to asylum procedures and identification of non-refoulement claims (ASGI, 2022). This classification occurs unilaterally and discretionally by police officers during the compilation of the so-called "foglio notizie", which preliminarily defines the foreign national's legal position. This document lacks informative content and merely lists the personal details declared by the foreign national along with the reasons for migration (ibid., 2022; AIDA, 2022).	Hotspots
	Restricted access to information and legal assistance	Migrants face restricted access to communication, impacting ability to contact families or legal assistance (AIDA, 2020, 2021)	Hotspots
Guaranteeing Proper Administration of Procedures	Detention and restriction of movement	Migrants experience de facto detention without legal basis, violating human rights protections (European Parliamentary Research Service, 2023; Council of Europe, 2018) ¹⁶⁰ . The procedure itself violates Article 13 of the Constitution and the protections provided by Article 5 of the European Convention on Human Rights. Despite the ECHR's 2016 judgment condemning Italy for arbitrary detention of foreign nationals and lack of effective recourse, Italy continues those practices (O'Leary, 2019).	Hotspots
	Healthcare and basic needs	Insufficient healthcare services and poor conditions in hotspots (European Parliamentary Research Service, 2023).	Hotspots
	Quality of reception conditions	The European Court of Human Rights (ECHR) condemned Italy for violating Articles 3 and 5 of the European Convention on Human Rights, related to inhuman treatment and liberty security, in the A.B. c. Italia, A.M. c. Italia, and A. S. c. Italia cases (European Court of Human Rights, 2023; European Court of Human Rights, 2023a). These rulings, highlight systematic abuses at Lampedusa's hotspot from 2017 to 2019, including poor conditions, lack of information, violence during repatriation, and obstacles to asylum procedures (AIDA, 2023; ASGI, 2023).	Hotspots
	Protection of vulnerable groups	Systematic exceptions to protections for unaccompanied minors, inadequate legal assistance, and wrongful age assessments (ASGI, 2023; ECHR, 2023). Reports from ASGI and ARCI Sicilia, confirmed severe rights violations for incoming people especially unaccompanied minors (ASGI, 2023b). For example, delegation identified critical conditions faced by minors in the hotspots of Pozzallo and Cifali, highlighting illegal deprivation of liberty, inadequate material conditions, long stays, lack of child protection, social and legal isolation, and insufficient healthcare (ibid., 2023b; ASGI, 2023c) ¹⁶¹ . Moreover, there was no gender-sensible approach available. Spaces in theory dedicated to women, due to overcrowded units were eventually combined and housed men, women and children (ASGI, 2023c).	Hotspots

Source: own elaboration

¹⁶⁰ Council of Europe, Execution of the European Court of Human Rights' Judgment in the Case of Khlaifia and Others v. Italy (Update), Document DH-DD (2018)754E.

¹⁶¹ During the visit, the delegation identified two Somali minors in the facility, staying there for weeks, one of whom showed signs of mistreatment. Medical intervention was requested. The delegation noted the difficulty for women to be examined by a male doctor (ASGI, 2023c).

Table 26. *Reception System in Italian Practice (CPA)*

Objective	Issues Identified	Details	Type/Level of Reception Facilities
Ensuring Effective Access to Procedures	Inadequate support for vulnerable individuals	Inadequate identification, referral, and support for vulnerable individuals (AIDA, 2015, 2016, 2017; ASGI 2018).	CPA
	Length of stay	Extended stays beyond initial shelter and administrative steps for asylum applications (AIDA, 2019, 2020).	CPA
Guaranteeing Proper Administration of Procedures	Variability in service quality	The quality of assistance in first accommodation centers varies widely between facilities and regions (AIDA, 2019). Monitoring by authorities is inconsistent, leading to varied support standards without accountability or improvement mechanisms (AIDA, 2017, 2018, 2019). For example, not all government centers provide pocket money or psychosocial support to asylum seekers.	CPA
	Persistence of previous challenges	The transition of some CARA facilities into governmental first reception centers has led to ongoing challenges (AIDA, 2018, 2019, 2020). Some centers for unaccompanied minors continue to have poor living conditions, such as the lack of running water in the Rosolini Structure in Syracuse (ASGI, 2023d).	CPA
	Overcrowding	For example, in the end of 2016, Bari already exceeded the capacity by 400 people (1622 instead of 1216). In case of Gorizia the maximum capacity was 138 places and hosted 516 ARs (AIDA, 2016, 2017).	CPA
	Effects of the “Security decree”	The 2018 changes continue to impact tender specifications and reduce the budget for first reception. With a staffing ratio of 1 operator for every 50 asylum seekers, individualized care is significantly compromised (Openpolis, 2021; AIDA, 2020). Daily costs in governmental centers range from 26 to 35 euros per person, affecting service quality and effectiveness (Openpolis, 2021).	CPA

Source: own elaboration.

Table 27. *Reception System in Italian practice (CPR)*¹⁶²

Objective	Issues Identified	Details	Type/Level of Reception Facilities
Ensuring Effective Access to Procedures	Contractual breaches and lack of oversight	Lack of promised services like legal counseling and recreational activities (ASGI, 2023f)	CPR
	Obstacles to legal representation	Difficulties in accessing legal representation and information. They are not provided with adequate means to contact a defender before their validation hearings, which compromises their right to a fair legal process (AIDA, 2021; ASGI, 2023f)	CPR
Guaranteeing Proper Administration of Procedures	Health and protection risks	Inadequate healthcare, poor hygienic conditions, and mental health issues (ASGI, 2023g). Together with Italian Society of Migration Medicine SIMM, along with other organizations, called for medical personnel to recognize the health and protection risks in administrative reception (ASGI, 2024). Safety audits of CPRs highlighted the poor hygienic conditions, inadequate care for acute and chronic illnesses, and mental health issues (Aliprandi, 2023).	CPR
Ensuring the Right to Appeal	Limited communication and transparency	Impeded ability to report rights violations and challenge detention. The opacity of these centers and restricted access for civil society hinder accountability and the protection of detainees' rights, complicating their pursuit of a fair legal process (AIDA, 2020; ASGI, 2022c).	CPR

Source: own elaboration

¹⁶² “The Centers for Repatriation (CPRs) are facilities that, where already present, have been the scene of situations of oppression and marginalization, characterized by numerous acts of self-harm, suicide attempts, a disturbing use of psychotropic drugs as emerges from a recent investigation, as well as eight deaths that occurred in CPRs already present in other Regions in the last three years. These are opaque places where the difficulty of access by civil society and the limits placed on communication to the outside world for those who are detained make it all the more complex to denounce violations of rights, lacking figures like the supervising magistrate, who is present instead in prisons” (ASGI, 2023e).

Table 28. Reception System in Italian practice (CAS¹⁶³, CARA¹⁶⁴)

Objective	Issues Identified	Details	Type/Level of Reception Facilities
Ensuring Effective Access to Procedures	Transfer of asylum seekers	Asylum seekers with ongoing procedures transferred from other CARAs, extending procedure times and limiting access to judicial protection (ASGI, 2015).	CARA, CAS
	Lack of translated documentation	Lack of translation into understandable language for applicants (ASGI, 2023h).	CARA, CAS
	Isolation and overcrowding	Location on city outskirts complicates access to services, overcrowding issues (In Migrazione, 2017)	CARA
	Improper age assessment	Age assessment procedures not adhering to legal standards. This can lead to potential situations where minors could be placed in facilities with adults (ASGI, 2023h). Such circumstances expose them to various risks and undermine the rights and protections guaranteed by law (ASGI, 2021).	CARA
	The Security Dece	The “Decreto Sicurezza” has profoundly impacted the protection of migrants and the operation of CAS facilities. This shift is highlighted in ActionAid’s and Openpolis’ report titled “La sicurezza dell’esclusione” (eng. the security of exclusion), underscoring the paradox of seeking security through exclusion (Openpolis, 2019). The decree exacerbated obstacles within the CAS system, leading to an increase in irregular migrants due to the abolition of humanitarian protection and a reduction in services, which resulted in decreased quality and quantity of services in CAS facilities (AIDA, 2020).	CAS
	Discriminatory practices and arbitrary revocation of accommodation	An example includes cases from Bologna and Naples (ASGI, 2023i; ASGI, 2018b). In Bologna, a decree issued by the Prefect led to the immediate revocation of accommodation for nearly 269 asylum seekers residing in CAS. This decree, framed as a measure of "necessity and urgency" under the guise of public order and safety, was criticized by ASGI for violating principles established by the Constitutional Court. ASGI (2020) highlighted the decree's indefinite duration and the discriminatory criteria used to select asylum seekers for immediate expulsion from the reception system.	CAS, CARA
	Revocation of reception	Whereas, in Naples CAS’ facilities over hundred asylum seekers experienced the revocation of reception, based on violations of internal regulations, particularly the so-called “return rule”. The rule requires residents to return by specific evening hours. In these cases, NGOs point out that the “return rule” and the subsequent revocation for its violation raise questions about the legality and proportionality of such measures. These actions violate the principle of free movement and the European Directive on Reception Conditions, art. 117 of the Italian Constitution, Legislative Decree no. 142/2015, as well as Law 689/81 on administrative sanctions ¹⁶⁵ .	CAS, CARA
Guaranteeing Proper Administration of Procedures	Lack of basic services	Denial of free legal aid, cultural mediation, social, and psychological support (ASGI, 2015).	CARA, CAS

¹⁶³ "As for the CAS, Mr. President [...] they are a thorn in the side in objective terms, because they represent the failure of that policy of coordination with the territoriality(...)" (Domenico Manzione, Ministry of Interior, 2015, after: ActionAid, 2020). In practice, for many years, CAS have replaced all other forms of reception in Italy. Local organizations and researchers have dubbed this situation “The System of Permanent Emergency” (it. il Sistema dell'emergenza permanente) (OXFAM, 2017).

¹⁶⁴ Reports on the reception system highlight rights violations and unfulfilled obligations in CARA centers. A notable example is CARA di Mineo, referred to by activists as “il MegaCARA” (the MegaCARA) or “bomba umanitaria” (eng. humanitarian bomb). As early as 2011, reports documented fundamental rights violations among residents. These challenges are consistent across similar centers nationwide, as detailed in Table 28.

	Larger centers	Reception centers with more than 50 people often limit access to personalized care, adopting a one-size-fits-all approach that overlooks the specific needs of asylum seekers. The focus on cost efficiency in larger centers, particularly those in remote areas, can compromise living conditions. This model tends to attract large-scale operators who may prioritize cost savings over the quality of care for migrants (ActionAid, 2020). "As the size increases, the frequency of critical issues increases" (Senato della Repubblica Italiana, 2018).	CAS
	Unclear management of contracts and large profit-oriented coordinators	Issues with contract management and public resources, along with the presence of organized crime, have been reported (Virzi, 2017). ActionAid (2020) found that small entities with a strong social mission are exiting the CAS system, while large profit-oriented companies are increasing their presence. For example, in Milan, 65% of CAS centers are large structures, and in Rome, 85% host more than 50 people. Medihospes, managing 65% of Rome's centers, is linked to the La Cascina Group, implicated in the Mafia Capitale affair (ActionAid, 2020; Foschini and Tonacci, 2015) ¹⁶⁶ .	CARA, CAS
	Health risks	Inadequate healthcare and health risks, especially during COVID-19 (ASGI, 2020; Vettori, 2022).	CAS
	Crimes inside the reception system	Crimes within centers noted, including kidnapping and violence (Brigida, 2015). Moreover, reports and monitoring highlight suicide attempts, riots, and arrests of asylum seekers linked to trafficking OCGs (ASGI, 2015a, Melting Pot Europa, 2018). Presence of organized criminal groups, e.g., Nigerian clans, within centers, and a problem of transferring still asylum seekers to centers suspected of housing organized criminal organization groups (Melting Pot Europa, 2018, DIA, 2018).	CAS, CARA
Ensuring the Right to Appeal	Case resolution times	Extended procedure times due to transfers, limiting appeal effectiveness (ASGI, 2015a; AIDA, 2018, AIDA, 2019).	CARA, CAS

Source: own elaboration

Table 29. Reception system in Italian practice (Second level of reception, SPRAR/SIPROIMI/SAI)

Objective	Issues Identified	Details	Type/ Level of Reception Facilities
Ensuring Effective Access to Procedures	Overcapacity	Italian law mandates financial aid when second reception structures or CARA centers lack availability, but this requirement is not enforced. Asylum seekers are often directed to these centers even at maximum capacity (AIDA, 2015, 2016).	Second level
	Participation in SAI projects	Voluntary municipal participation, chronic shortage of SAI places, and emergency treatment hinder effective access. In 2021, over 68% of asylum seekers were in CAS facilities, highlighting a significant gap between available places and actual needs, particularly for spontaneous arrivals (Acocella, 2022; ActionAid, 2022; AIDA, 2023b).	Second level
Guaranteeing Proper Administration of Procedures	Assessment of destitution	Access to second-reception centers is meant for those deprived of means of subsistence, assessed by the Prefecture. However, this assessment is often ineffective and based on asylum seekers' statements (AIDA, 2016, 2020).	Second level
	Unaccompanied minors' access	Unaccompanied minors often remain in first reception governmental facilities or temporary centers instead of promptly accessing SAI (AIDA, 2019, 2020, 2021).	Second level
	Effects of 2018 transformations	Efforts to phase out CAS centers in 2017 aimed to enhance the second "proper reception" system. The 2018 Security Decree transformed this level into SIPROIMI, distinguishing between asylum seekers and beneficiaries of international protection (AIDA, 2019).	Second level

¹⁶⁶ "Where it succeeds, the model of large centers located in the suburbs prevails. A business that attracts managers with industrial character and drives away the small ones with social vocation and qualified personnel" (Camera dei Deputati, 2015).

	Immediate exclusion	The 2018 Decree immediately excluded individuals with humanitarian protection from both CAS and second reception facilities, affecting families with minors and vulnerable individuals. The reorganization of reception places involved moving many people between centers (Bolzoni et al., 2022).	Second level
	Reduction in funding	The reduction in funding for the second reception resulted in decreased system efficiency, fewer operators, and lower service quality (Bolzoni et al., 2022); Marchetti and Molfetta, 2020).	Second level

Source: own elaboration

4.3. Asylum Procedures and Counter Trafficking in Italian Practice – the marriage of two systems

Vulnerability intersects with all aspects of the asylum processes and guidelines outlined by the European Union Agency for Asylum. Given the research scope, I discuss the identification of special needs and the support for particularly vulnerable individuals at the end of this chapter. This approach creates a natural segue into examining the intersection of two critical systems: the asylum system and the counter-trafficking framework.

The focus of my empirical studies necessitates an exploration of how these systems collaboratively function within Italian practices. This subsection aims to highlight the convergence and operational practices related to prevention, identification, collaborative efforts within territorial commissions, and the referral system. It starts with a general overview of the treatment of particularly vulnerable individuals in asylum procedures, as well as the situation of victims of human trafficking in the asylum process. The subsequent part presents a general outline of the anti-trafficking system in Italy, in order to capture the intersection of these two systems in the final part. To contextualize the findings of empirical research, I highlight the foundational aspects of the identification process within the framework of interagency collaboration, as well as the functioning of the referral system.

4.3.1. Vulnerable groups in the asylum procedures

The European Union has set guidelines within its asylum legislation to protect vulnerable individuals seeking asylum. These guidelines are laid out in the revised versions of the Asylum Procedures Directive and the Reception Conditions Directive¹⁶⁷. This includes those whose ability to exercise their rights or meet their obligations is hindered by factors such as age, gender, sexual orientation, gender identity, disability, illness, mental health issues, or the aftermath of severe trauma, including torture or sexual violence and victims of human trafficking (Art. 24, and Recital 29, APD). Although this list highlights common vulnerabilities, it is not exhaustive. Specific attention is given to unaccompanied minors, outlining the necessary provisions to ensure their protection (Art. 25, APD) (EUAA, 2023).

The revised Reception Conditions Directive recognizes the unique needs of asylum seekers, aligning with the APD but not explicitly addressing issues of gender, sexual orientation, or gender identity (AIDA, 2021). This directive advocates for a customized approach, particularly in its fourth chapter, which mandates EU member states to identify asylum seekers requiring 'special reception needs' efficiently. Additionally, Article 11 sets guidelines regarding the detention of vulnerable individuals (Art. 11, RCD).

¹⁶⁷ See Article 22 RCD (recast), Article 24 APD (recast).

Notably, the legislation lacks a defined legal process for the identification of vulnerable individuals (AIDA, 2022). Despite this, member states, internally or with the support of the EUAA, follow guidelines in this area. The EUAA has developed a *Vulnerabilities Toolkit*, which includes *the Tool for Identification of Persons with Special Needs*¹⁶⁸, *the Special Needs and Vulnerability Assessment Tool*, and the *Referral Toolkit* (currently being refined). Other instruments include age assessment resources, child-specific procedures toolkits¹⁶⁹, mental health resources, and family tracing guidelines (EUAA, 2023b)¹⁷⁰. While working on the New Migration Pact (introduced in 2020), the EUAA developed *the EUAA Strategy on Vulnerability*, serving as a framework for the Common European Asylum System (EUAA, 2023). As defined in this operational toolkit: “A person in a vulnerable situation is an applicant whose ability to understand and effectively present their case or fully participate in the whole asylum process and reception pathway is limited due to their individual circumstances” (EUAA, 2023, p.4).

The EUAA's Vulnerability Strategy is anchored in a series of key principles aimed at enhancing support for vulnerable asylum seekers. These principles include adopting a protection-sensitive approach tailored to individual backgrounds, ensuring alignment with European laws and the CEAS for cohesive asylum procedures, pursuing sustainable and efficient support through strategic planning and robust evaluation, and emphasizing collaborative efforts by building partnerships with EU institutions, the UNHCR, the IOM, and local authorities (ibid., 2023)¹⁷¹. The European Agency outlines its goals and strategic objectives with key actions for a common approach to vulnerability. These include cooperation and the exchange of information (Goal 1), identification, prevention, and response (Goal 2), training and capacity building (Goal 3), and participation (Goal 4) (ibid., 2023).

¹⁶⁸ The EUAA's Tool for Identification of Persons with Special Needs (IPSN) is designed to aid in the early and ongoing identification of asylum seekers who require special procedural and reception support. It's an interactive platform that utilizes indicators based on various evidence types to identify special needs. It aims to be universally applicable while recognizing national system variations and complementing existing EASO tools and training modules. The tool is crafted to assist EU Member States in fulfilling their commitments under the updated Reception Conditions Directive (2013/33/EU) and the Asylum Procedures Directive (2013/32/EU). For more detailed information, visit the EUAA's tool: <https://ipsn.euaa.europa.eu/ipsn-tool?q=ipsn-tool>. The tool is complemented by Special Needs and Vulnerability Assessment. See more on: <https://snva.euaa.europa.eu>.

¹⁶⁹ For more in-depth information on child-specific procedures in EUAA, follow *the Practical Guide on the best interests of child in asylum procedures*, on: <https://euaa.europa.eu/publications/practical-guide-best-interests-child> and <https://euaa.europa.eu/publications/report-asylum-procedures-children>.

¹⁷⁰ For more detailed information visit *the EASO Practical Guide on Family Tracing*, on: <https://euaa.europa.eu/publications/practical-guide-family-tracing>.

¹⁷¹ See more: Regulation (EU) 2021/2303 of the European Parliament and of the Council of 15 December 2021 on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010 (OJ L 468, 30.12.2021).

Table 30. *Summary of Goals and Strategic objectives in EUAA Strategy on Vulnerability*

Goal	Strategic Objectives and Key Actions
1. Cooperation and Exchange of Information	<ul style="list-style-type: none"> • Facilitate networks and thematic meetings on vulnerability. • Organize study visits and exchange programs. • Provide periodic updates and maintain up-to-date information in databases (example: EU Case Law Database¹⁷²)
2. Identification, Prevention, and Response	<ul style="list-style-type: none"> • Emphasize the importance of early identification and prevention of vulnerabilities. • Develop and disseminate tools and guidance for identifying and assessing needs. • Promote a needs-based response through coordination, referral, and cooperation mechanisms.
3. Training and Capacity Building	<ul style="list-style-type: none"> • Build the knowledge and skills of staff on identifying, assessing, and managing cases of vulnerable applicants. • Develop and deliver training modules and professional development content. • Provide training sessions to certified trainers and conduct capacity-building activities.
4. Participation	<ul style="list-style-type: none"> • Provide tailored information to applicants regarding procedures, rights, obligations, and services, considering their specific needs and characteristics (e.g., language, age, disabilities).

Source: own elaboration, based on EUAA Strategy on Vulnerability (2023)

The 1951 Geneva Convention, its 1967 Protocol, and key international conventions on human trafficking recognize trafficking victims' potential eligibility for refugee status or subsidiary protection. The UNHCR's 2006 Guidelines interpret the refugee definition to include severe exploitation as persecution and emphasize the need for nuanced risk assessments upon return. They highlight evaluating the country of origin's capacity to protect returnees and the importance of procedural guarantees in the asylum process for trafficking victims, illustrating the intersection of human trafficking and refugee protection (UNHCR, 2006; UNHCR, 2021).

¹⁷² For better understanding of the Case Law Database, follow: <https://caselaw.euaa.europa.eu/Pages/default.aspx>

4.3.2. Counter Trafficking system in Italy

Legal framework

Human trafficking, recognized as a serious human rights violation, was first defined in its modern sense by the United Nations Convention against Transnational Organized Crime, signed during the Palermo Conference in December 2000¹⁷³.

In Europe, the Council of Europe Convention No. 197 on combating human trafficking, adopted in Warsaw on May 16, 2005, aims to enhance and develop the Protocol's provisions. It provides a similar definition of "human trafficking" and includes various measures to protect victims' human rights, introducing the concept of "identification" of trafficking victims¹⁷⁴ (Council of Europe, 2005; UNHCR, 2023)¹⁷⁵.

The convention introduces a series of measures aimed at safeguarding the rights and well-being of trafficking survivors. It outlines a protocol for the identification of survivors by specially trained personnel, ensuring they are not prematurely removed from the country until their identification process is thoroughly completed (Art. 10). The convention stresses the importance of maintaining the confidentiality of victims' identities and personal details, protecting their privacy at all stages (Art. 11). In response to the trauma experienced by survivors, the convention mandates comprehensive support services, including safe housing, psychological support, emergency medical care, and detailed information about their rights (Art. 12). Importantly, this assistance is not contingent upon the survivors' willingness to participate in legal proceedings against traffickers (Art. 12.6).

Recognizing the complex recovery process, the convention introduces a "recovery or reflection" period of at least 30 days. This period is designed to give individuals space to heal and make informed decisions about their future, including whether to cooperate with legal authorities. During this period, survivors are shielded from expulsion (Art. 13). Lastly, the convention acknowledges the potential need for survivors to remain in the host country for personal recovery or to participate in legal actions against traffickers (Art. 14) (UNHCR, 2023).

¹⁷³ In the preamble of the Convention, Kofi A. Annan [Secretary-General of the United Nations from 1997 to 2006] articulated: "I believe the trafficking of persons, particularly women and children, for forced and exploitative labor, including for sexual exploitation, is one of the most egregious violations of human rights that the United Nations now confronts".

¹⁷⁴ Moreover, The EU has notably addressed human trafficking through two key directives: Directive 2004/81/EC, which offers residence permits to victims cooperating with authorities, and Directive 2011/36/EU, aimed at preventing trafficking and protecting victims. Together, they highlight the EU's dual approach: penalizing traffickers and supporting victims (Degani, De Stefani, 2020).

¹⁷⁵ The Convention no. 197 is available at: <https://rm.coe.int/168008371d>.

In Italy, the duty to protect survivors of human trafficking and severe labor exploitation (*it. lo grave sfruttamento lavorativo*)¹⁷⁶ is grounded in the provisions of the Italian Constitution and further reinforced by international agreements. This responsibility is emphasized by the Council of Europe's Warsaw Convention (Convention No. 197 on Action against Trafficking in Human Beings, adopted in Warsaw on May 16, 2005, and ratified in Italy with Law No. 108 on July 2, 2010) (Santoro, 2018)¹⁷⁷. Human trafficking has been explicitly punishable under Italian law since the enactment of Law No. 228 of August 11, 2003, which amended articles of the Penal Code related to slavery¹⁷⁸. Key legislative provisions include Articles 600, 601, 602, and 603bis of the Criminal Code concerning human trafficking and related offenses, such as labor exploitation and illicit intermediation (UNHCR, 2021; Retesai, 2022)¹⁷⁹.

- Article 600 c.p. of the Penal Code (*it. Codice Penale*): This article concerns the crime of reducing or maintaining individuals in slavery or a similar state (*it. riduzione o mantenimento in schiavitù*). It specifies that exercising ownership over a person, coercing someone into labor, sexual acts, begging, engaging in illicit activities for exploitation, or undergoing organ removal are punishable with imprisonment ranging from eight to twenty years. The crime is established through means such as violence, threats, deception, abuse of authority, or taking advantage of a person's vulnerability¹⁸⁰, inferiority, or dire need.
- Article 601 c.p.: This article specifically addresses the crime of human trafficking. It penalizes the recruitment, transportation, transfer, harboring, or receipt of persons by means of threats, use of force, or other forms of coercion, abduction, fraud, deception, abuse of power, or exploitation of vulnerability for the purpose of exploitation.
- Article 602 c.p.: Titled "purchase and sale of slaves" (*it. compra vendita di schiavi*), this article criminalizes the buying and selling of individuals as slaves, reinforcing the legal framework against slavery and human trafficking within the country.
- Article 603-bis c.p.: Known as "illicit intermediation and labor exploitation" (*it. intermediazione illecita e sfruttamento del lavoro*), this article focuses on the illegal intermediation and exploitation

¹⁷⁶ "Severe labor exploitation" refers to all forms of labor abuse punishable by national law, including situations where working conditions significantly deviate from legal standards, impacting worker health, safety, and dignity. It encompasses situations and circumstances covered by Article 9(1) of Directive 2009/52/EC of the European Parliament and of the Council (Degani, De Stefani, 2020).

¹⁷⁷ This Convention builds on guidelines already present in the Additional Protocol on Trafficking to the United Nations Convention against Transnational Organized Crime, signed in Palermo in 2000 and ratified in Italy on March 16, 2006, with Law No. 146. "This protocol is considered the first international treaty specifically aimed at protecting the rights of human trafficking victims, laying the foundation for coordinated action to combat this phenomenon" (UNHCR, 2021; Retesai, 2022).

¹⁷⁸ Besides that, Italy included in the legislation the Legislative Decree 4/03/2014, n. 24 implemented Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims. It emphasized a comprehensive approach involving not only penal sanctions but also prevention and victim protection measures. Additionally, the decree outlines responsibilities for the Department for Equal Opportunities (*it. Dipartimento per le Pari Opportunità*), focusing on coordinating efforts to prevent human trafficking and assist victims (Retesai, 2022).

¹⁷⁹ To learn more about the content of the Legislative Decree No. 286 of July 25, 1998, see: Decreto Legislativo 25 luglio 1998, n. 286 Testo unico delle disposizioni concernenti la disciplina dell'immigrazione e norme sulla condizione dello straniero (*GU n.191 del 18-8-1998 - Suppl. Ordinario n. 139*).

¹⁸⁰ Directive 2011/36/EU was further amended by Legislative Decree No. 24 of March 4, 2014, broadening the scope of enslavement to include situations of significant limitation on a person's autonomy, referring to "exploitation of vulnerability" and not just complete deprivation of liberty and dignity (Torre, 2019).

of workers. It outlines the punishment for those who profit from the labor of others through illicit means, including the exploitation of vulnerable workers and illegal brokering activities¹⁸¹.

- Article 600-octies c.p.: This article penalizes the use of children under fourteen for begging, with imprisonment of up to three years, unless a more serious offense is committed (UNHCR, 2021; Osservatorio Interventi Tratta, 2023)¹⁸².

Importantly, in 1998, Italy adopted a law aimed at protecting victims of human trafficking and severe exploitation. This law, innovative for its time, provides support and protection to foreign individuals affected, irrespective of their cooperation with judicial authorities. Contained in Article 18 of Legislative Decree No. 286/98 (Unified Text on Immigration Regulations and Rules on the Status of Foreigners), it was enacted before the revision of criminal provisions related to human trafficking but remains in force, applying to survivors of various crimes associated with human exploitation (Retesai, 2022).

To understand Italy's strategy in tackling human trafficking, it is essential to examine Article 18 of Legislative Decree No. 286/1998 and Article 27 of Presidential Decree No. 394/1999. These statutes provide for a special residence permit for foreign nationals who, as victims of violence or severe exploitation, face significant danger due to either their cooperation in criminal proceedings or their choice to flee exploitative situations. Labeled for "special cases" (*it. casi speciali*), this permit is pivotal in Italy's victim support structure (UNHCR, 2021; Osservatorio Interventi Tratta, 2023; Crescini and Fachile, 2022). The concept of "doppio binario" (dual pathway) highlights two main routes for obtaining this special permit: through judicial collaboration following a victim's complaint, or via social protection for those entering a recovery and integration program without needing a formal complaint (UNHCR, 2021). Initially valid for six months, the permit can be extended based on employment status or judicial requirements. It grants access to social, educational, and employment services and can be adjusted for study or work purposes (*ibid.*, 2021).

The initiatives outlined in the program under Article 18 typically encompass four stages: a) contact, emergence, and identification of victims; b) initial reception, preparatory to social inclusion processes; c) second level of reception, aimed at vocational training and employment integration; and d) autonomy, aimed at consolidating social and employment inclusion processes and achieving housing independence (Degani and De Stefani, 2020). To understand their functioning in practice, it is necessary to trace the activities of the national anti-trafficking network.

¹⁸¹ More on the evolution of the regulation of the crime of illegal intermediation and exploitation of workers in Italy, and on Article 603-bis: Torre (2019). *Lo sfruttamento del lavoro. La tipicità dell'art. 603-bis cp tra diritto sostanziale e prassi giurisprudenziale*. p

¹⁸² Law No. 199 of October 29, 2016, complements the legal framework by addressing issues such as combating undeclared work and exploitation in agriculture. This law is a significant tool in combating labor exploitation, further reinforced by Law No. 148 of September 14, 2011, which introduced the offense of illegal labor intermediation and exploitation, and by Decree-Law No. 119 of October 23, 2018.

Italian National Network to Combat Human Trafficking (it. La Rete Nazionale Anti-Tratta)

The Italian Anti-Trafficking System operates through three key pillars: emergence, initial assistance, and subsequent reception and social integration. These functions are managed under the Single Program for Emergence, Assistance, and Social Integration, established by Legislative Decree 24/2014, which transposes EU Directive No. 36/2011 on the prevention and suppression of human trafficking and the protection of victims (Degani and De Stefani, 2020a).

Since 2017, Italy has initiated 21 projects to combat human trafficking as part of the implementation of the Prime Minister's Decree of May 16, 2016. These regional projects, managed by private social sectors or through public-private partnerships, aim to assist victims of crimes outlined in the Penal Code and those within specific categories. Over time, these initiatives have fostered a robust collaborative network known as the National Network to Combat Human Trafficking. Programs supported by the Department of Equal Opportunities (DPO) encompass various interventions, including street outreach units to initiate contact with individuals engaged in street prostitution, listening centers, shelter services in secret locations, and assistance with integration (Degani, De Stefani, 2020). Complementing these efforts is the Anti-Trafficking Helpline (it. Numero Verde Anti-Tratta), established in 2000 by the DPO.

The number 800 290 290 serves as a central mechanism in the fight against human trafficking. This 24/7, free, and anonymous service enables the public to report suspicions and access specialized, multilingual staff. It acts as a national platform for coordination and information exchange among local initiatives, balancing each network's operational autonomy within a unified strategy focused on human rights protection and inter-agency collaboration (Retesai, 2022)¹⁸³. Key functions of this service include the national collection and monitoring of calls and directing relevant cases to appropriate local projects based on the National Referral Mechanism (NRM). Additionally, Numero Verde Anti Tratta coordinates survivors' reception and transfers, monitors trafficking trends nationally, and analyzes data through the SIRIT system (Computerized System for Trafficking Information Collection). This database facilitates real-time data processing and detailed analyses, meeting the requirements of international bodies like GRETA and the (Retesai, 2022; Dipartimento per le Pari Opportunità, 2023).

Supported by Italian legislation, specifically Article 18 of Legislative Decree 286/98 and Article 13 of Law 228/2003, this effort provides the legal framework for the social assistance and protection of survivors, with financial backing from the DPO (UNHCR, 2021; Dipartimento per le Pari Opportunità, 2023). Furthermore, the National Anti-Trafficking Observatory, closely aligned with the Numero Verde, monitors

¹⁸³ For victim protection, Italy's system is primarily based on Law 228 of 2003, "Measures against human trafficking". Article 12 established the Anti-Trafficking Fund at the Presidency of the Council of Ministers. This fund is allocated to finance assistance and social integration programs for victims, as well as other social protection purposes outlined in Article 18 of Legislative Decree No. 286 of July 25, 1998

and analyzes trends essential for preventing and combating trafficking. It also supports policies and helps develop operational strategies (Degani and De Stefani, 2020a; Retesai, 2022).

The Italian multi-layered approach encompasses prevention, protection, prosecution, and partnership (the so-called 4xP), reflecting the necessity for a governance model that is both multi-level and multi-agency (Retesai, 2022). Italian anti-trafficking projects estimate they annually engage with 25,000 to 30,000 individuals through various outreach actions. These individuals are encountered in diverse settings such as streets, informal living areas, recruitment sites, and workplaces. All are considered at risk due to their significant vulnerability and precarious conditions (Degani and De Stefani, 2020b).

The effectiveness of the anti-trafficking system hinges on seamless collaboration among diverse actors. These include:

- **Law Enforcement and Judicial Authorities:** The Italian system entrusts law enforcement agencies—such as the State Police, Public Prosecutor, Carabinieri, Financial Police, and Coast Guard—with the crucial tasks of preventing and combating crimes related to exploitation. The judiciary, through the National Anti-Mafia Directorate (it. Direzione Investigativa Anti-Mafia, DIA), coordinates investigations against organized crime, including trafficking and smuggling operations (Retesai, 2022; UNHCR, 2021).
- **Social Services and Non-Governmental Actors:** Public social services and accredited social entities, including the Anti-Trafficking Helpline with the SIRIT System, NGOs, and Social Assistance and Protection Projects' Implementing Entities, play a vital role. Their contributions range from emergency response to long-term social integration efforts (Osservatorio Interventi Tratta, 2023). The Region of Venice also plays a crucial role, with the Municipality of Venice leading the regional project in Veneto, called N.A.Ve (Anti-Trafficking Network Veneto, it. Network Antitratta Veneto) since September 2016 (De Gani and De Stefani, 2020b)¹⁸⁴.
- **Diverse Stakeholder Engagement:** This includes volunteer organizations, the third sector (NGOs, cooperatives, associations), international organizations like the United Nations or OSCE¹⁸⁵, trade unions, employers' associations, academia, and private sector entities (UNHCR, 2021).

¹⁸⁴ Since 2007, the Municipality of Venice has been committed to combating trafficking and exploitation, including the management of the Anti-Trafficking Hotline, which is now operated through a centralized single platform.

¹⁸⁵ The United Nations Global Initiative to Fight Human Trafficking (UN.GIFT), established in March 2007 by the United Nations Office on Drugs and Crime (UNODC), collaborates with international organizations such as the International Labour Organization (ILO), the International Organization for Migration (IOM), the United Nations Children's Fund (UNICEF), the Office of the High Commissioner for Human Rights (OHCHR), and the Organization for Security and Co-operation in Europe (OSCE). UN.GIFT aims to develop and enhance skills, knowledge, and partnerships to combat human trafficking (UNHCR, 2021; Degani, De Stefani, 2020).

- **Collaboration with Migration and Asylum Regime Actors:** This includes the Department for Civil Liberties and Immigration of the Ministry of the Interior, Territorial Commissions for the Recognition of International Protection, and private social bodies registered to assist immigrants (established by Article 52 of D.P.R. 334/2004) (Retesai, 2022; Osservatorio Interventi Tratta, 2023).

A significant outcome of the collaboration in providing relevant and up-to-date data was a report developed jointly by the University of Padua and the Human Rights Centre “A. Papisca” in 2020. This report utilized data collected through the Numero Verde Anti-tratta and monitoring systems like SIRIT, supported by knowledge from anti-trafficking entities (De Gani and De Stefani, 2020)¹⁸⁶.

Asylum procedures and Counter Trafficking system in Italian practice

As stated by Degani and De Stefani (2020), the need to address human trafficking, exploitation, and the broader issue of migration within the framework of human rights and protection has increasingly gained prominence in both international and regional contexts.

The risks associated with migrants, undocumented individuals, and refugees at all stages of their journey, including in the host country, were addressed by Italy in the Legge di 6.08.2013, n.96, also known as the 2013 European Delegation Law (it. Legge di Delegazione Europea 2013), by adopting Directive 2011/36/EU on preventing trafficking in human beings and protecting victims. The law states that "the government should provide measures facilitating coordination between institutions dealing with the protection and assistance of victims of human trafficking and institutions responsible for asylum matters, specifying mechanisms for referral, if necessary, between these two protection systems" (Legge 6 Agosto 2013, n. 96).

This delegation resulted in Article 10 of Legislative Decree 24/2014, which implements Directive 2011/36/EU by amending Article 32 of Legislative Decree No. 25 of January 28, 2008¹⁸⁷. The amendment includes a new provision addressing the role of Territorial Commissions in identifying potential victims of trafficking (victims of offenses under Articles 600 and 601 of the Criminal Code) during asylum procedures (Santoro, 2018; Giammarinaro, 2018).

The linchpin for coordination between administrations responsible for international protection and the protection of trafficking survivors is the National Referral Mechanism (NRM). Established within the framework of the National Action Plan against Trafficking (it. *Piano Nazionale d'azione contro la tratta e il grave sfruttamento*), this mechanism offers structured recommendations and practical measures.

¹⁸⁶ The scale and trends in human trafficking and forced labor among ARs, based on this analysis, have already been presented in the introduction. Those data covered the period 2017-2019.

¹⁸⁷ Italian legislation preceded EU norms on minimum standards for issuing residence permits to trafficking victims, as outlined in Directive 2004/81/CE. This directive applies to third-country nationals who are trafficking victims or involved in facilitating illegal immigration and cooperate with authorities (Degani and De Stefani, 2020b).

It primarily targets stakeholders involved in anti-trafficking efforts who encounter trafficking victims at various procedural stages (Santoro, 2018).

Even in the late 90s, the Counter Trafficking System in Italy saw cultural diversity among survivors in projects, primarily focusing on sexually exploited migrant women (not necessarily asylum seekers) (Degani and De Stefani, 2020). However, the closest convergence of these systems occurred between 2015 and 2016 during Italy's so-called refugee crisis. Key to this consolidation were cases of Nigerian women (often minors) seeking asylum (Degani and De Stefani, 2020; Degani and Bragagnolo, 2020; Santoro, 2018). The issue of "linking human trafficking with asylum" involved operators from both prevention and protection systems, along with public administrations and intergovernmental agencies like UNHCR (Degani and De Stefani, 2020a, p. 30). The significant number of Nigerian victims of human trafficking in the asylum system has fundamentally altered its operation (ibid., 2020; UNHCR, 2021; Zorzella, 2021; IOM, 2016; Pascoal, 2020). The collaboration also involved the asylum reception system and coordination for referring cases, primarily concerning women from Nigeria (Degani and Bragagnolo, 2020).

Across various territories, collaboration entailed a spectrum of administrative activities. These included providing multilingual information on human trafficking to raise awareness among asylum seekers about debt, coercion into prostitution, and forced labor (for example, in CAS centers or hotspots). Support initiatives and promotion of anti-trafficking helplines were also part of the effort (Degani and Bragagnolo, 2020). Gathering narratives and potential testimonies helped detect signs of human trafficking. Working with asylum seekers allowed anti-trafficking services to connect with them early on, potentially preventing exploitation (UNHCR, 2021).

Intersecting realities in practice: Trafficking Survivors in the Context of International Protection

The need to ensure concrete and effective actions from the moment of arrival on Italian territory required operational synergy between both systems. In 2021, UNHCR published "Guidelines for Territorial Commissions for the Recognition of International Protection: The Identification of Victims of Trafficking among International Protection Applicants and Referral Procedures." One justification was the significant role of Territorial Commissions for International Protection Recognition as unique "receptors" in the process of listening to immigrants' stories and identifying potential indicators of human trafficking and exploitation. This recognized role demanded clear frameworks, developed in collaboration with UNHCR by the National Territorial Commission. The objective was also to enhance cooperation with the network of entities implementing the single program for regularization, assistance, and social integration, as outlined in Article 18 of the Consolidated Immigration Act (ibid., 2021). These guidelines aim to assist Territorial Commissions in identifying human trafficking survivors (or potential victims) during asylum assessments, promoting coordination with various social entities. The importance of Territorial Commissions is

underscored by data collected by Bragagnolo and Degani (2020), indicating that, from 2017-2019, the majority of reports concerning human trafficking cases were referred to the anti-trafficking system by the Territorial Commissions (Bragagnolo, Degani, 2020).

The Guidelines established Standard Operating Procedures for recognizing trafficking indicators during the protection recognition process, ensuring victims' access to necessary assistance and protection measures (UNHCR, 2021). One of the key phases covered by the guidelines is identifying potential victims, crucial for the interaction of these two systems.

The identification of trafficking victims is described as "a meticulous process focused on comprehending, through analysis of the circumstances and various factors (commonly known as 'indicators of trafficking') arising from interviews or supplementary information, whether an individual is indeed a victim of trafficking" (UNHCR, 2021, p.43). In most cases, this proves to be a time-consuming process due to the frequent resistance of the victims themselves—often stemming from fear, shame, or a lack of trust in authorities. However, there are instances where individuals proactively report incidents of trafficking and exploitation, thus acknowledging themselves as survivors of trafficking. This process is commonly referred to as "self-identification" (ibid., 2021).

The identification process consists of two stages: preliminary identification for initial circumstance analysis and formal identification by qualified entities to confirm survivors' status (Dipartimento per le Pari Opportunità, 2023). Understanding the vulnerabilities and potential victimization embedded within their migration narratives and international protection procedures is imperative (Degani and De Stefani, 2020b).

In international protection procedures, the early identification of trafficking survivors or potential victims can occur from arrival through various stages, including asylum applications and within reception centers. Stakeholders play a crucial role in referring these individuals to anti-trafficking entities. The identification process may also occur during the asylum recognition phase by the Territorial Commission and in subsequent proceedings. Utilizing a National Referral Mechanism, the TC conducts preliminary identification to direct presumed trafficking victims to qualified anti-trafficking operators (Degani and De Stefani, 2020a). Identifying trafficking victims in international protection contexts hinges on indicators spanning personal hardships, travel experiences, and current living conditions in Italy. Key signs include economic distress, lack of education, traveling alone, exploitation *en route*, unstable housing, absence of legal documentation, and evidence of controlled or exploited behavior. The guidelines also provide specific indicators related to the type of exploitation (UNHCR, 2021; Dipartimento per le Pari Opportunità, 2023)¹⁸⁸.

¹⁸⁸ For a full list of indicators, see the text of the guidelines: UNHCR (2021) *Linee Guida per Le Commissioni Territoriali per Il Riconoscimento Della Protezione Internazionale. L'Identificazione Delle Vittime Di Tratta Tra I Richiedenti Di Protezione Internazionale E Le Procedure Di Referral*.

The National Referral Mechanism is defined as “a coordinated and possibly standardized method of reporting a person and their specific needs to the competent authorities or services, or to the subjects that can best meet the identified needs, respecting confidentiality and the consent of the involved parties” (UNHCR, 2021, p. 56)¹⁸⁹. This system aims to ensure that survivors can exercise their rights as recognized by law, including access to programs for emergency assistance and social integration, as well as the opportunity to obtain a residence permit under special conditions (UNHCR, 2021). The mechanism engages multiple actors who prioritize principles such as adopting a person-centered and human rights-based approach, ensuring informed consent, maintaining confidentiality, preventing re-victimization, and safeguarding the best interests of minors (ibid., 2021; Dipartimento per le Pari Opportunità, 2023).

The referral process within the framework of recognizing international protection is outlined in a Protocol of Understanding (it. *Protocollo d'Intesa*) that each Territorial Commission establishes with public or private social organizations operating within its jurisdiction to assist trafficking survivors (Degani and De Stefani, 2020)¹⁹⁰. The Territorial Commission can refer individuals seeking international protection to other available services based on their special needs, including anti-violence centers and mental health facilities (UNHCR, 2021).

In practice, if there is reasonable suspicion that the applicant is or has been a victim of human trafficking, or there is a risk of becoming one, the Territorial Commission takes standardized actions. These include preparing for the interview, ensuring confidentiality, explaining rights, and obtaining consent for referral to specialized anti-trafficking services. Additionally, this may involve temporarily suspending the asylum procedure to conduct multiple interviews with the applicant and involve the anti-trafficking agency in addressing trafficking-related concerns before resuming the asylum process. Attention is drawn to the significant role of interpreters and the requirement for special treatment of minor victims (UNHCR, 2021)¹⁹¹. Importantly, the procedure may be suspended to allow sufficient time for discussions between the applicant and the anti-trafficking entity to establish trust, facilitating the disclosure of trafficking experiences and necessary protective measures (Dipartimento per le Pari Opportunità, 2023). Finally, it is crucial to separate the assessment of asylum claims from an individual's cooperation with law enforcement. Cooperation concerns should be addressed separately through designated protection programs, ensuring that an individual's decision not to cooperate does not impact their asylum application (Degani and De Stefani, 2020b).

¹⁸⁹ The referral mechanism was refined in 2023 with the publication of the "National Referral Mechanism for the Identification, Assistance, and Protection of Victims of Trafficking and/or Severe Exploitation" (Dipartimento per le Pari Opportunità, 2023).

¹⁹⁰ The protocol is made with public or private social organizations implementing integration programs, as per Article 18(3a) of Legislative Decree 286/98, funded by the Department for Equal Opportunities under the Prime Minister's Office (UNHCR, 2021). The referral procedure should involve the local anti-trafficking agency near the asylum seeker's accommodation or residence. If no reference is available, the Commission will consult the National Human Trafficking Hotline (800290290) to find the appropriate reporting authority (ibid., 2021).

¹⁹¹ In relation to minors, it is also advisable to consult the UNHCR Guidelines from 2009 regarding asylum applications made by minors under Article 1(A)2 and 1(F) of the 1951 Convention and/or the 1967 Protocol on the Status of Refugees (UNHCR, 2009; UNHCR, 2021).

After referral to the anti-trafficking network, the entity promptly engages with the asylum seeker, providing the Commission with an initial update within 15 to 30 days to confirm the commencement of interviews (UNHCR, 2021). Subsequently, the entity sends detailed feedback to the Commission, supplying essential information to support the decision on the asylum seeker's application for international protection. The Commission, after a comprehensive review of each case's unique circumstances, decides whether to grant international protection, refer the case to the Questura for a special stay permit assessment under specific conditions, or deny protection if appropriate (Retesai, 2022; Dipartimento per le Pari Opportunità, 2023)¹⁹².

¹⁹² Both the Guidelines from UNHCR (2021) and the New National Referral Mechanism published by DOP (2023) include all the crucial regulations and legal frameworks on international European, and national level.

4.4. Discussion on Asylum Procedures – ‘Safe country? Says who?’¹⁹³

The concept of "protection" associated with asylum addresses not just the ability to *seek* asylum but also the entitlement to *enjoy* asylum in the host country (Oudejans, 2014; Osso, 2023). “In this sense, ‘asylum’ has a dual meaning, referring both to ‘protection’ and the ‘place’ where protection is offered” (Osso, 2023; Edwards, 2005).

The lack of specific procedural indications in the 1951 Refugee Convention has led to detailed procedural safeguards for asylum seekers on national and regional levels, such as the APD recast, “as well as the often-strict scrutiny of the evidence presented by asylum seekers and of their individual credibility” (Botero and Vedsted-Hansen, 2021). Procedural standards developed by the EU within the CEAS framework, along with accompanying guidelines specified in Italian regulations, are recognized as some of the most meticulous and detailed (Vedsted-Hansen, 2012).

Nonetheless, asylum seekers still encounter obstacles in access to protection. This was aptly captured by Tsourdi (2021) in one of her subsection titles, calling asylum in the EU “torn between protection and deflection.” As shown in this chapter, ensuring effective access to appeals and procedures, as well as guaranteeing their proper administration, is burdened and compromised mainly by prolonged procedural processes, lack of access to information and legal assistance, and difficult conditions across the reception system.

In the initial stages of the asylum application process, individuals may encounter difficulties in registering their applications, receiving appropriate documentation, and obtaining legal support. Simultaneously, they face a lack of access to information and prolonged procedural times, which undermines the right to asylum guaranteed in the Charter of Fundamental Rights of the European Union (Art. 18) and challenges the primary objectives indicated in the APD (Pollet, 2017).

It is indicated that, apart from affecting the right to asylum itself, prolonged procedures also impact health and quality of life (QoL). Several studies have shown that the duration of the asylum process is linked to decreased QoL, increased disability, and deteriorated physical health status (Laban et al., 2008; Hvidtfeldt et al., 2019). Furthermore, they also negatively impact refugees' situations in the labor market and integration. As confirmed by Hainmueller et al. (2016), prolonged asylum procedures hinder investment in language learning and delay entry into the labor market (Kosyakova and Brenzel, 2020). Extended waiting periods often constitute a significant barrier to subsequent integration and the scope of protection in host countries, including access to the labor market and stable legal status (Brekke, 2010).

These moments represent some of the most stress-inducing experiences in the post-migratory life of asylum seekers (Cross, 2019). "Even in prison they operate with a time limit! ‘This is when you are going to be free,’ they’ll tell you. But here they only tell you to wait, just wait..." (Brekke, 2010).

¹⁹³ Goodwin-Gill, Guy S. 1992. “Safe Country? Says Who?” *International Journal of Refugee Law* 4(2): 248–50.

In Italy, various factors contribute to the prolongation of asylum procedures, stemming from non-compliance with the provisions of the APD and guidelines of the EUAA. These issues, occurring in both initial and regular procedures, include unjustified requirements for additional documentation (regarding registration or family ties), ineffective coordination between stages of asylum procedures, and delays in transitioning C3 forms. Additionally, inefficiencies within the Questura have been highlighted, despite operational support from UNHCR and EUAA, and restrictions imposed in individual units.

In the case of border, accelerated, and admissibility procedures, time plays a crucial role. This includes efforts to expedite procedures, the lack of guarantee for their proper application, and instances of prolonged detention. Simultaneously, there is a lack of prioritization and timeliness for processing applications from particularly vulnerable individuals. Furthermore, the lack of formal and timely communication exacerbates the challenges faced by asylum seekers, especially regarding potential rejection of their applications under specific circumstances (ASGI, 2019; AIDA, 2022).

Frontline states face burdens under the Dublin Regulations, including shifting responsibility for applicants (Di Filippo, 2018), bureaucratic complexities, and case intricacies, all contributing to prolonged processes. Sociological studies by Brekke and Brochmann (2014), and research using biographical policy evaluation from refugees' perspectives (Bartel et al., 2020), confirm this. Bartel et al. (2020) highlight the negative impact of prolonged Dublin procedures on mental health and integration opportunities, as well as the feeling of "lost time."

To some extent, the issues of prolonged procedures and lack of crucial information (and even misinformation) in the asylum process are interconnected. Ruokolainen and Widén (2020) highlight that "the waiting time for the asylum decision was, in most cases, much longer than estimated or promised, leading to mistrust towards the authorities" (Ruokolainen and Widén, 2020, p. 6). Refugees and immigrants often find that authorities do not offer enough information, sometimes withholding or inadequately presenting it. This can lead to misunderstandings due to insufficient information. Moreover, the risk of inaccurate or incomplete official information not only poses a direct problem but also drives asylum seekers "to turn to other sources of misinformation" (ibid., 2020, p. 7)¹⁹⁴. The study by De Louvier and Innocenti (2023), exploring theories of informational exclusion and inclusion, indicates that ARs are primarily influenced by two informational groups: the official asylum system and the third sector. In some cases, a 'lack of information' leads to longer procedural times, particularly when asylum seekers are not informed of decisions or specific stages of asylum procedures. For example, failure to notify them about scheduled representation before the Commission directly affects the outcome of international protection applications.

¹⁹⁴ Moreover, researchers highlight the risk associated with outdated information in the asylum process, noting that official documents, while accurate at their time of release, may become misleading as circumstances evolve (Ruokolainen and Widén, 2019).

In 2020, the Court of Cassation emphasized the importance of providing clear information regarding access to asylum procedures and subsequent stages. The Court highlighted deficiencies in explaining the significance of signing documents like the "foglio notizie," which undermines the validity of the asylum process (Court of Cassation, decision no. 18189/2020 dated June 25, 2020). As the cases indicate, asylum seekers do not always have guaranteed access to information as specified in the APD. The provision of information is often limited or entirely absent, as identified in all analyzed procedures¹⁹⁵.

In the context of effective information transmission, barriers to accessing translations or information provided in the applicant's language are also noted¹⁹⁶. The right to understand and be understood can be a determining factor in granting international protection, particularly during testimony before the Commission or court. Breggia (2018) emphasizes that "language is often the only home that applicants inhabit after losing roots in their country of origin and being unable to establish them in the country of residence." By providing the opportunity to be heard, the law returns to its origins, "emphasizing the protection of the most vulnerable and disadvantaged and reinforcing the role of jurisdiction in promoting equality" (ibid., 2017).

Another obstacle in ensuring effective access to procedures emerges from accelerated, admissibility, and border procedures. There has been a noticeable shift towards strengthening ad hoc and 'exceptional' procedures, alongside a reduction in the rights available to asylum seekers¹⁹⁷. The prevalent use of accelerated, Dublin, or border procedures is referred to by some researchers as the period of "return migration" and the "age of deportation" (Bast et al., 2022; Creed et al., 2023).

At the European level, these trends were reinforced by the New Migration Pact (presented in 2020 and adopted in 2023), which proposed "seamless procedures" at the external borders (Heijer, 2020; Vedsted-Hansen, 2022). This "bordering the right to seek asylum" trend is particularly evident in the enhanced role of border procedures, associated with the "constitutionalization of the exercise of migration control" (Cornelisse and Reneman, 2021).

Gerbaudo (2022) views the extensive application of border procedures as instrumentalizing migrants, where third-country nationals arriving at the EU border "are homologated under a single category: threat". In Italy, this approach has led to a significant decrease in the number of asylum applications approved at the first instance (AIDA, 2020). It involves the arbitrary application of border procedures and their extension into the Italian mainland, far from initial border entry points.

¹⁹⁵ The role of information in the context of reducing or exacerbating the issue of forced labor among refugees is highlighted in the results chapter.

¹⁹⁶ A factor in the lack of availability of interpreters in asylum processes is also the very low fee (14.68 euros for the first hearing, and just over 8 euros for each subsequent hearing) (Breggia, 2017).

¹⁹⁷ This is not an unprecedented process over the years, already noted as part of the changes in EU asylum policy in 2005. For a dogged analysis of these processes, see Costello (2007). *The Asylum Procedures Directive in Legal Context: Equivocal Standards Meet General Principle*, in Anneliese Baldaccini, Elspeth Guild, and Helen Toner (eds) *Whose Freedom, Security and Justice? EU Immigration and Asylum Law after 1999* (Hart 2007)

This approach places additional strain on both the asylum system and reception infrastructure, resulting in longer processing times for asylum applications (Paleologo, 2023).

Furthermore, there is an inherent risk of undermining legal safeguards by blurring the distinction between thorough asylum application examinations and directing applicants to border procedures based on initial presumptions (Vedsted-Hansen, 2022, p. 100; Paleologo, 2023). This approach relies on arguments about the trend of "mixed migratory movements" towards the EU, necessitating rapid identification of individuals 'unlikely to receive protection'. It presupposes the ability to swiftly and effectively assess protection needs for citizens from all third countries (Vedsted-Hansen, 2022). Tight time limits for decision-making or lodging an appeal can adversely affect the quality of asylum decisions. Asylum claims often involve complex legal arguments and require substantial documentation and evidence. Limited time hinders evidence gathering and accessing support, risking unfair rejections (Apatzidou, 2023a).

Paradoxically, the emphasis on exceptionally fast processing procedures is juxtaposed with the prolonged de facto detention (in detention facilities, on boats, or hotspots). This involves allocating a minimal amount of time for the consideration of individual cases, while simultaneously detaining migrants in border areas. As Cornelisse and Reneman (2022) point out, the normalization of border procedures in everyday practice hampers adherence to the principle that detention should be a measure of last resort.

According to Article 43 of the APD recast, border procedures are permitted only for assessing the admissibility and merits of applications that are clearly unfounded. However, each such procedure must comply with the fundamental principles and guarantees outlined in the Directive (Botero, Vedsted-Hansen, 2021). Failure to comply with APD guidelines is not the sole obstacle to ensuring protection for those seeking it. The essence of border procedures structurally generates mechanisms that restrict access to protection (Gammeltoft-Hansen, 2016). "The recognition that the right to guard the border is neither neutral nor innocent, but that it involves coercion and impinges on the rights of the individual" (Cornelisse and Reneman, 2021, p. 17).

In reality, the emphasis on accelerated and border procedures not only contradicts EU guidelines and the goals of the Asylum Procedures Directive but also undermines the principles of better safeguarding and protecting the fundamental rights of asylum seekers. Wessels (2023) highlights that these procedures are constructed around improper human rights practices in detention and fail to mandate essential individual justifications for the imposition of area-based restrictions (Wessels, 2023, p. 279).

Among the criteria for the application of accelerated, border, and Dublin procedures, the concept of a “safe third country” (STC) emerges, simultaneously serving as grounds for inadmissibility to asylum¹⁹⁸.

The STC concept dates back to the 1970s and 1980s when it was created to support developed countries facing ‘refugees in orbit’ and ‘asylum shopping’ (Freier et al., 2021). Restrictions on access to territory and asylum, implemented in the face of ‘mixed migration flows,’ have led to a situation where refugees, who have been denied access to protection or had their applications rejected, are continuously moved from one country to another in a constant search for protection (Osso, 2023). States implement STC practices to deny asylum seekers and refugees protection by considering the possibility of receiving protection in another country (“elsewhere” or in the “first country of asylum”) (Freier et al., 2021). The STC practices have long been criticized for being used to “deter and curb ‘irregular migrant’ arrivals” and for shifting burdens and responsibilities between countries rather than sharing them (Freier et al., 2021, Osso, 2023)¹⁹⁹.

The new legislation and jurisprudence on STC practices exacerbate disparities, posing a serious threat to the protection of asylum seekers and the international protection system (Bast et al., 2021; Freier et al., 2021). Within this framework, establishing suitable protection standards and methods for adhering to the principles outlined in the Geneva Convention is essential. However, as Freier et al. (2021) indicate, merely adhering to the convention’s rights is insufficient. These standards do not guarantee personal security, family life, unity, or an adequate standard of living (Hathaway, 2005). Consideration should also be given to refugees’ access to civil, political, and socio-economic rights, which are not directly expressed in the Refugee Convention (Hathaway, 2005; Freier et al., 2021).

The utilization of this ‘bordering tool’ can also burden frontline states, contradicting the requirement for inter-state solidarity (Karageorgiou and Stoyanova, 2019; Osso, 2023). This leads to a strain on asylum and reception systems not only in border areas, but throughout the country. Often (as in Italian case) it leads to the transfer of responsibility for refugees to non-EU countries, basing the collaboration on a general assessment of safety, and lowering protection safeguards even more²⁰⁰. The European Court of Human Rights (ECtHR) published an analysis concerning the obligations of states towards ARs who have been transferred to a “safe third country”. According to the ECtHR, in some of the cases, migrants experienced violations of human rights, such as the right to life, prohibition of torture, the right to private and family life, or the right to effective judicial protection. There is also a risk of return to countries of origin (while violating the non-refoulement principle) (ASGI, 2020c; ECHR, 2018). As stated by Osso (2023), the STC prevents individuals from being identified as refugees “spatially and temporally” for expanded legal spaces, and extended periods.

¹⁹⁸ The idea of STC emerged in Switzerland in 1979 and gradually gained popularity across Europe during the 1980s. Eventually, it was embraced by the European Union (EU) and also by nations such as Australia and Canada during the 1990s (Freier et al., 2021)

¹⁹⁹ Rather than its legal definition, the term ‘inadmissible subjects’ refers to individuals categorized as ‘irregular migrants’ and deemed unworthy of protection within the EU. Inadmissible subjects are often not expelled from EU territory but are typically confined to the EU periphery, such as in the Italian ‘hotspots’, or excluded from EU asylum procedures (Osso, 2023).

²⁰⁰ While the exploration of externalization, burden-sharing, and outsourcing migration policies is beyond the scope of this thesis, I recognize the significance of this phenomenon, particularly in relation to the Safe Third Country concept.

The STC concept plays a crucial role in the context of Dublin procedures, aiming to identify the state responsible for processing asylum applications.

Freier et al., (2021) argue that STC rules are the *modus operandi* of European asylum policies. In practice, the Dublin system, which aims to assign responsibility for asylum seekers to the first EU state they enter, often fails to distribute hosting duties fairly and neglects individual preferences or integration prospects (ibid., 2021; Bast et al., 2021). Despite claims of fair distribution, analysis indicates otherwise.

Both the European Court of Human Rights (ECtHR) and the Court of Justice of the European Union (CJEU) have highlighted egregious violations in the application of Dublin procedures (AIDA, 2016; ECRE, 2016). The CJEU has mainly focused on protection against non-refoulement, while ECtHR judgments emphasize more individual factors²⁰¹. In *MSS v. Belgium and Greece*, the ECtHR ruled that severe poverty and homelessness in the receiving country, along with procedural deficiencies and lengthy decision-making delays, constituted inhuman or degrading treatment (Freier et al., 2021). In *NS & ME*, the CJEU stated that the assumption that other EU Member States are safe for asylum seekers and that their claims would be adequately processed can be challenged (ibid., 2021)²⁰². In recent STC cases, courts have focused on assessing the procedures of the state without conducting a substantive evaluation of whether this third country is genuinely safe (Bast et al., 2021).

In Italy, as in other EU countries, the focus often remains on where migrants should have sought protection earlier or secured their rights in another country, rather than prioritizing their current and future rights during application processing (Bolognese, 2019). Limiting the STC application to refoulement risks harms individual rights, as seen in *SZRTC v. MIBP* (2004), where a Burundian woman was denied asylum access due to not seeking it in other East African Community countries. Little consideration was given to whether these states could provide adequate protection (Bast et al., 2021; Freier et al., 2021). Osso (2023) and Spijkerboer (2018) note a shift from reactive "migration control" to proactive "migration management," accompanied by a move from individualistic to population-based approaches using legal and bordering tools to limit migrant rights. The production of legal spaces like the STC "are powerful instruments in locating people to a specific place" (Spijkerboer, 2018, p.41; after: Osso, 2023).

The concept of a "safe country of origin" (SCO) is closely associated with the notion of a "safe third country", particularly within the context of accelerated asylum procedures. Hunt (2014) questioned whether any state could be deemed fully safe, emphasizing that citizens from nearly all EU nations are recognized as refugees worldwide. Therefore, the safety of states cannot be considered absolute (ibid., 2014). Despite the 1951 Refugee Convention's mandate for non-discriminatory treatment of refugees, the Asylum Procedures Directive and its amendments allow EU nations to differentiate asylum seekers based on their nationality (AIDA, 2016; Hopkins, 2009).

²⁰¹ See for example: See eg *Tarakhel v Switzerland*, ECHR 2014VI 195.

²⁰² Cases: C411/10 and C493/10NS v Secretary of State for the Home Department and ME v Refugee Applications Commissioner and Minister for Justice, Equality and Law Reform [2011] ECR I13905, para 81 (after: Freier et al., 2021).

The controversies surrounding the SCO designation highlight significant flaws in the assessment process. As early as 2010, the UNHCR identified inadequate material for assessment and inconsistent application of criteria, resulting in discrepancies in the designation of countries as safe (UNHCR, 2010). Despite evidence of human rights abuses, some countries were deemed safe based solely on theoretical legal protections, ignoring actual ongoing violations, as seen in cases like Botswana and Ghana (Hunt, 2014; UNHCR, 2010)²⁰³.

Venturi (2019) argues that designating a state as a "safe country of origin" effectively sterilizes the right to asylum for individuals from those states, amounting to unfair discrimination (Venturi, 2019, p.1). Furthermore, this designation shifts the burden onto the applicants to promptly prove that a country, widely recognized as safe, is not so in their particular situation (Venturini, 2019). The SCO concept is seen as part of "non-entrée practices," subtly undermining refugees' ability to claim their legal protection rights (Venturini, 2019; Sciarba, 2018). Analysts in Italy highlight its adverse effects on asylum procedures, compromising the integrity of standard protections (OpenMigration, 2019; Venturini, 2019)²⁰⁴. Sciarba (2018) employs the "canary in the coal mine" metaphor to critique the "safe country of origin" concept. She suggests that just as canaries were used to detect danger in mines, individuals from "safe" countries facing hardships serve as warnings of deeper issues in these states, questioning their supposed safety. "Their suffering foretells that the air may soon become unbreathable for everyone" (Sciarba, 2018, p. 157).

Goodwin-Gill (1992) poses a critical question: "How can we be sufficiently sure that even the most respectable and reputable of regimes has not, just this once, produced a refugee? None of our societies is that pure" (Goodwin-Gill, p. 248). This question is particularly relevant given that as recently as 2019, Ukraine was listed as a safe country (it was officially removed from the list in 2023). Additionally, countries such as Albania, Algeria, Bosnia and Herzegovina, Cape Verde, Ghana, Kosovo, North Macedonia, Morocco, Montenegro, Senegal, Serbia, and Tunisia were also considered safe (Venturini, 2019b)²⁰⁵. The updated Italian list now includes four new countries: Nigeria, Gambia, Ivory Coast, and Georgia, bringing the total to sixteen (ASGI, 2023). Among the 22 European countries, only Cyprus, which has the most extensive list, designates Nigeria as a "safe" country. Gambia appears on only three lists, while Ivory Coast is not listed on any (ibid., 2023). The selection of these countries has been controversial and politicized. Ivory Coast has recently been one of the top countries of origin for asylum seekers in Italy. Conversely, Nigeria has consistently topped the list for the past several years (Rondi, 2023).

Using Nigeria as an example highlights the arbitrary nature of establishing the list of safe countries.

²⁰³ In the case of Botswana, despite evidence of significant human rights abuses, including the criminalization of homosexuality, capital punishment, and torture, respondents predominantly supported its inclusion as a safe country of origin under European law, primarily relying on a single US State Department report. Similarly, in the case of Ghana, despite widespread issues such as police brutality, child trafficking, slavery, and the persecution of women, including Female Genital Mutilation (FGM), member states favored its inclusion due to legal protections "on paper", disregarding the actual prevalence of abuses (Hunt, 2014).

²⁰⁴ The author argues that this approach violates articles 3 and 10 of the Italian Constitution and Art. 3 of the 1951 Geneva Convention, as it discriminates against individuals based on their country of origin and undermines the individual assessment of asylum claims (Venturini, 2019).

²⁰⁵ See the official justification, available at: <https://www.asgi.it/wp-content/uploads/2023/05/Schede-Paesi-Sicuri-2022.pdf>.

The situation in Nigeria remains critical, with widespread violence in various regions and recent elections marred by controversy and protests against their legitimacy (Rondi, 2023). Italy is also significantly affected by human trafficking from Nigeria, posing a high risk of re-trafficking in the event of repatriation. Similar dynamics and reasoning were evident in the case of Tunisia (ibid., 2022).

In the context of safe countries, access to information is of paramount importance, especially for commissions responsible for recognizing international protection. The challenges facing Territorial Commissions regarding Country of Origin Information (COI) primarily revolve around the acquisition, updating, and dissemination of accurate and comprehensive COI. This inconsistency hampers the ability of the Territorial Commissions to make informed decisions and also affects the judicial bodies tasked with reviewing appeals against negative decisions (Busetto et al., 2017).

The concepts of safe third countries are particularly utilized in Dublin procedures. The issues identified in this chapter are subject to separate scholarly discussions. Criticizing the Dublin regulations, Contartese (2012) indicates that the presumption that EU member states are ‘safe countries’ can be refuted, considering direct and indirect refoulement and the availability of effective remedies at the domestic level. This is especially significant in cases where individuals are sent to countries with extremely burdened reception systems or less robust asylum regimes (ibid., 2012)²⁰⁶.

The European Court of Human Rights has identified instances where Dublin transfers can breach the European Convention on Human Rights, particularly regarding inhumane treatment, lack of effective legal recourse, and prohibitions against collective expulsion (Bast et al., 2021; ECHR, 2014)²⁰⁷. Moreover, Bast et al. (2021) highlighted contentious reform proposals for the Common European Asylum System that, although not adopted, may indicate future directions of EU policy. These reforms focused on revising the Dublin III Regulation by limiting Member States' discretionary powers in assuming asylum responsibilities, applying stricter 'safe third country' rules, and eliminating transfer time limits between Member States (ibid., 2021)²⁰⁸. Regulations within the Dublin III (under Regulation 604/2013), based on the “no choice, first entry logic” constitute one of the EU's mechanisms utilized to exempt countries from responsibility for processing asylum applications (Bast, et al., 2021; Fullerton, 2016). According to Maiani (2019), this is structurally flawed, and it actually weakens the solidarity of states.

Janmyr (2014) emphasizes that “the ultimate responsibility for the physical safety of refugees and internally displaced persons rests with the host country” (ibid., 2014, p.3). The UNHCR highlighted in 2006 that refugee camps are “unnatural, closed environments that can render refugees vulnerable to manipulation and exploitation” (UNHCR, 2006, after: Janmyr, 2014).

²⁰⁶ In spring 2020, Italy and Malta temporarily shut down their ports to Search and Rescue (SAR) vessels, citing the COVID-19 pandemic as the reason for no longer being considered as 'place of safety' (Bast et al., 2021; ECRE, 2020).

²⁰⁷ ECtHR, *M.S.S. v. Belgium and Greece*, Appl. no., 30696/09, Judgment of 21 January 2011; *Sharifi and others v. Italy and Greece*, Appl. no. 16643/09, Judgment of 21 October 2014; *Tarakbel v. Switzerland*, Appl. no. 29217/12, Grand Chamber Judgment of 4 November 2014.

²⁰⁸ European Commission, Proposal for a Regulation on Asylum and Migration Management, COM (2020) 610, 23 September 2020.

In Italy, the reception system still faces challenges that undermine its ability to ensure effective access to rights and procedural protection, including in the realm of appellate rights for ARs. Analysis has revealed barriers to accessing places in reception centers, often due to the system's capacity being exhausted or arbitrary access rights based on nationality. Additionally, there have been improper deprivations of individuals' rights to stay in centers due to legal alterations and exclusion from suspensive effect. The most frequently cited negative changes include Decree Law No. 113/2018 and the reduced availability of SPRAR, transformed into SIPROIMI, as well as the intensified utilization of CAS-type structures (Ambrosini and Campomori, 2020; Cuevas, 2020). One report described changes in CAS as follows: "We believe that these new centers exclude not only the logic of rights but also that of merit. We are talking about places where nothing is promised anymore. Although they are called temporary centers, the logic is not that of subsequent improvement, but rather of freezing people whom we no longer even see as asylum seekers" (Openpolis, 2023, p. 29).

As highlighted by Ambrosini and Campomori (2020), the implementation of Decree Law No. 113/2018, commonly referred to as the Salvini Decree, has effectively overturned the goals of Italy's asylum reception system. This shift has led to worsening conditions for both asylum seekers and the personnel within the system. The repercussions have extended to public security, with researchers noting a correlation with the "clandestinizzare" phenomenon among those seeking protection. This term refers to the elimination of all viable legal channels for accessing procedures and territory, thereby pushing individuals towards irregularity and "clandestine" means (ibid., 2020).

Similarly to other procedures, the reception system is further burdened by insufficient access to information, a deficiency in legal assistance, and extended durations for both procedures and reception. Faso and Bontempelli (2017), following Goffman's theory of total institutions, argue that reception centers tend to serve a control function rather than fostering relationships and care (ibid., 2017). There has been a persistent trend of prolonged stays, spanning months or even years, in facilities originally intended for short-term accommodation (first or extraordinary reception centers), often amidst circumstances that degrade human dignity (InMigrazione, 2017; Openpolis, 2022; Openpolis, 2019). The state of the reception system and the prevailing dynamics are also influenced by the scale of the centers and the administrators overseeing these facilities. Cuevas (2020) highlights the worrisome allure and associated risks stemming from the near-complete outsourcing of management responsibilities to private, profit-driven entities, accompanied by the significant utilization of public funds²⁰⁹.

²⁰⁹ The Cuevas (2020) analysis was conducted based on the "Report on the functioning of the reception system prepared to address the extraordinary needs related to the exceptional influx of foreigners in the national territory," (it. Relazione sul funzionamento del sistema di accoglienza predisposto al fine di fronteggiare le esigenze straordinarie connesse all'eccezionale afflusso di stranieri nel territorio nazionale) with a list of all CAS managers until the end of 2017.

The reception regime has faced harsh criticism from monitoring organizations such as ActionAid and Openpolis, which summarized the years 2018-2022 as a "Predicted Failure" (Openpolis, 2023). Challenges are not limited to periods of peak migrant arrivals. In 2022, despite an increase in the capacity of the first reception facilities (almost a thousand additional places within one year), by the end of December, there were 1,168 more individuals staying in the centers than planned (ibid., 2024). Furthermore, the voluntary nature of municipal participation in the SAI projects, coupled with a chronic shortage of SAI places and funding cuts, forces reliance on temporary centers (Acocella, 2022). This situation, along with treating reception as an emergency response rather than a durable solution, has led to a significant mismatch between available places and actual needs, making comprehensive access to the reception system particularly difficult for spontaneous arrivals.

According to Barberis and Pitzalis (2021), the three researchers they analyzed regarding the reception system (Ambrosini 2021; Caponio 2008; Zincone, 1994) consistently describe it as a direct system, based on micro-regulation, covert, and involuntary, accompanied by a gap between law in books and law in action (Grivet Talocia, 2019; Barberis and Pitzalis, 2021; Terlizzi, 2021). This manifests in the context of localized migration governance, resulting in disparities and variations in experiences depending on the region of Italy (Barberis and Pitzalis, 2021; Cuevas, 2020). Studying these localities can help capture the high degree of fragmentation and territorial diversity in managing the system (Glorius and Dommernik, 2019; Cuevas, 2020).

Chiara Marchetti (2016) suggests that the Italian reception system operates on two contrasting models. Initially, it emphasizes control and isolates migrants socially and physically from the local community. However, it is also widely dispersed across Italy and deeply ingrained in society, largely due to collaboration with the third sector (Marchetti, 2016, p. 122). In this context, smaller SAI centers remain important examples of good practice. Conversely, Campomori and Caponio (2016) highlight this contradiction through ambiguous security conditions and exceptional (emergency) situations.

In recent years, Europe's asylum policies, focused on combating irregular migration, have resulted in a system of restrictions and a lack of legal pathways to access territory. This has significantly increased vulnerability to various threats, including exploitation and human trafficking (Briddick and Stoyanova, 2021). Degani's report on asylum and human trafficking trends in Italy highlights that ARs exploited in both transit and destination countries, arriving through "mixed migration flows," mainly reach the EU by sea and typically enter through the asylum system, the only legal means of staying in the territory.

The increased number of Nigerian survivors of human trafficking applying for asylum has led to significant changes in the anti-trafficking system, resulting in the consolidation of these two systems and fostering inter-system collaboration (Degani and De Stefani, 2020). Santoro (2018) states, "In light of the framework outlined by the legislator, what should be developed between international protection and protection for victims of trafficking is what I would call a sort of a 'tango' (...)

This means that a situation should be created where both protections are closely intertwined on one hand, and sufficiently distant from each other on the other hand, to address different protection needs" (ibid., 2018). The growing overlap between asylum and human trafficking dynamics has impeded coordination between the two systems. Despite their complete autonomy, these systems are closely intertwined, often merging in a "true hermeneutic spiral" (Santoro, 2018).

As for multi-agency approach, De Felice (2020) comprehensively describes intersectoral cooperation, providing the case study of Sicily in the context of combating human trafficking, particularly among unaccompanied Nigerian minors. It has helped improve understanding of how asylum and anti-trafficking systems in Italy intersect and collaborate. Researchers and practitioners point out that this "marriage" is not without its challenges. Among these, identification, deemed crucial by anti-trafficking operators, has at times been constrained to Eurodac registration, particularly in hotspots, prioritizing administrative oversight of migrants. Such an approach risks undercutting protection endeavors, especially for vulnerable individuals, in regions experiencing high refugee and migrant inflows, where complexities in identification could exacerbate trafficking vulnerabilities (De Felice, 2020; Degani and De Stefani, 2020).

Furthermore, in addition to acquiring new competencies and preparing the anti-trafficking system to work with asylum seekers, the system also became 'overwhelmed' with the task of supporting asylum seekers. The significant emphasis on this collaboration increased the risk of losing sight of other goals of the system, including potential victim groups and survivors who deserve the same operational attention as cases involving victims from Nigeria (Degani and Destefani, 2020b; Degani and Bragagnolo, 2020).

Importantly, it is crucial is not to assign this collaboration a pivotal role in combating the issue of human trafficking among asylum seekers. "Collaborations between anti-trafficking service operators and those within the international protection system, though valuable for aiding individuals in escaping severe exploitation, have limited impact on the trafficking phenomenon itself" (Degani and Destefani, 2020b, p. 36). They may contribute to harm reduction and prevention efforts but cannot fully address the issue. Degani and De Stefani (2020) based on analysis and discussions with practitioners, suggest that instead of shifting responsibility onto such collaborations, it would be beneficial to provide legal migration channels (for those seeking employment and better opportunities), implement humanitarian corridors, and promote social integration among ARs. This could help prevent victimization of many immigrants both during their journeys and upon arrival. Beyond that, one solution to alleviate the shortcomings of both systems could be the incorporation of a third body, such as human rights law, into them (Briddick and Stoyanova, 2021; De Stefani, 2020).

4.5. Conclusions

This chapter has examined the intricate landscape of asylum procedures and their implementation within the Italian context, guided by the frameworks and aims of the Asylum Procedures Directive (recast), European Union Agency for Asylum guidelines, and national obligations.

In answering the posed question, this chapter elucidates that while the APD sets forth comprehensive objectives aimed at ensuring fair, efficient, and protective asylum procedures, the implementation of these procedures in Italy is fraught with challenges. These range from procedural delays and access barriers to systemic issues rooted in the structural frameworks of the EU asylum policy. The analysis demonstrates that these challenges significantly impact the effectiveness of asylum procedures in guaranteeing rights and protection to asylum seekers in Italy. The Italian case presents an accurate illustration of how procedural inefficiencies, administrative hurdles, and policy ambiguities can complicate and even compromise the asylum seekers' right to protection. Despite the formal structures and legal frameworks designed to safeguard asylum seekers' rights, practical execution often falls short, leading to systemic vulnerabilities that affect not only the individuals seeking asylum but also the coherence and effectiveness of the asylum system itself. As indicated, this not only affects the international protection system but also impacts the functioning of the counter trafficking system in Italy.

As revealed, these challenges are often rooted in the structures of the asylum system, with particular attention deserved by the concepts of safe countries, the nature of the Dublin procedures, and the growing focus on accelerated and border procedures. These structural components form a context where procedural delays, access to information, lack of legal assistance, and the quality of reception conditions are not merely operational challenges but are deeply interconnected with the fundamental policies regulating asylum and protection in Italy (and Europe).

In subsequent stages of this work, based on empirical findings, I will indicate how these structural and operational factors resonate with the issue of forced labor among ARs in Italy. The next step will be to align the challenges identified with the theory of structural injustice, discussed in the last part of the dissertation.

5. Results

The relation between the different elements of the international protection system and the forced labour

The goal was to identify the relationship between asylum procedures and forced labor among asylum seekers and refugees in the host country, using Italy as a case study.

The chapter presents the results of data collected through 7 focus groups, conducted in Italy in 2021 and 2022. Based on the methodology introduced at the beginning of the thesis, I was able to develop theoretical categories characterizing these relationships. Adopting the specified coding paradigm and the principles of grounded theory, I identified two key areas of results: *categories of protection through asylum procedures*, and *categories of exposure through asylum procedures*. This means that each analyzed element of the international protection system will consider responses to the questions:

- Which procedural elements within the asylum procedures can reduce the risk of forced labor among asylum seekers and refugees? How?
- Which elements within the asylum procedures can increase the risk of forced labor among ARs? How?

This means that the codes subordinate to the category "exposing through asylum procedures" constitute elements/actions identified from the data, which can increase the risk of forced labor occurrence or exacerbate this phenomenon among ARs. Conversely, the codes subordinate to the category "protecting through asylum procedures" indicate those elements/actions that can reduce the risk of the problem among ARs or mitigate existing forms of forced labor. Categories are subordinated to the stages of registration and access to procedures, identification and reception.

5.1. Access and Registration Procedures

5.1.1. Protecting through asylum procedures

Working with trained and committed personnel

According to respondents, **the human factor**, understood as the level of knowledge, engagement, and sensitivity of the staff, plays a crucial preventive role in countering (or mitigating) forced labor and exploitation among ARs (FG03, FG04, FG05, FG01). The quality of staff actions is important at all key stages of the process - identification, registration, and reception.

“In my opinion, the operators who carry out the arrival and registration procedures should also have proper information/training and preparation, if I may add something else as well. So that you could create a network of ‘Third Sector Hosts’ who deal properly with migrants and their needs” (FG03, Rome, 06.22.2021, 31)²¹⁰

“In the context where asylum authorities or another entity, such as the border police, fail to recognize an individual's specific needs and the need for protection or safeguarding, it is evident that this person becomes more vulnerable. It all boils down to awareness” (FG02, Rome, 23.06.2021, 55)

ARs face numerous vulnerabilities stemming from displacement, their journey, trauma, or lack of a support network in a new place. Staff sensitized to human trafficking issues and trained, for example, in HT indicators, gain the ability to quickly respond and understand the threats (FG02, FG04). This can lead to early identification of potential victims. Participants also drew attention to the actual location where registration often takes place, such as a police station (it. Questura). From the ARs' perspective, the police do not have a positive image; rather, they are seen as an authority potentially responsible for their rejection. Therefore, building trust in the institution at this stage is particularly challenging and requires specific skills (FG01).

“I would like to add this, that often identification happens in the commission, but also in the police headquarters. I think it depends a lot on the training of the staff, who do the registration and application for international protection. And often in the police headquarters people are not well informed and trained” (FG02, Rome, 21.06. 2021, 38).

²¹⁰ I indicate the number of the focus group conducted, the location, the date and the paragraph number in the transcript.

According to respondents' indications, an integral part of trained personnel in the field of international protection is **cultural mediators**.

Their role includes, among other things, bridging communication and cultural gaps between asylum seekers and authorities (FG02, FG03, FG06). The mere presence of mediators may be insufficient if conditions considering the gender and origin of the mediator are not met (FG01, FG05).

As indicated by participants, the choice of mediator should consider potential conflicts between nationalities (FG04, FG05). It is also necessary to consider the lack of trust stemming from intersecting cultural, social, and political differences/similarities. For example, asylum seekers from Eritrea do not trust Eritrean mediators. In such cases, they will not share any information with the staff (FG01).

In two focus groups, the significance of the mediator's gender was also pointed out (FG04, FG01). This may relate to issues of trauma and trust. As one respondent indicated, many individuals may have experienced gender-based violence (GBV) in their countries of origin or during transit. Women will feel more comfortable in the presence of female mediators (FG04). However, in the same discussion, exceptions to the rule were noted concerning the intersection of nationality and gender, such as in the case of Nigerian women. Respondents agreed that older Nigerian women are often perpetrators of abuse, and a female mediator from Nigeria may hinder the creation of a safe environment for a Nigerian asylum seeker. Cultural and religious issues were also highlighted (FG04, FG07), since many of them establish norms regarding gender interactions. Respecting these norms is important in building trust and relationships between operators and those seeking protection (FG04, FG07).

“From direct experience: a situation of, let's say, confidentiality, and with trained personnel at the access, it could increase the possibility of requesting help, by migrants. If one finds itself, in the situation after disembarkation, even with simply difficult access to Questura with the very high numbers. If one is in a situation where there is no mediator, or female mediator. Because even attention to gender and nationality is extremely important. Or if, indeed, the mediator is not prepared, does not have the proper training. Then it is clear that in the asylum request only asylum request is made - nothing else that can protect this person” (FG07, Rome, 8.12. 2022, 34).

Raising social and legal awareness

According to respondents, another element enhancing prevention of forced labor is **raising awareness about patterns and emerging trends of exploitation** (FG03, FG05). Discrepancies in awareness regarding sexual and labor exploitation were highlighted in the focus groups (FG05, FG01). Currently, the level of awareness varies depending on the specifics of the region and the economic sectors operating within it (FG03). The issue is associated with a lack of societal awareness in this regard (FG05).

Respondents also pointed out **the normalization of labor exploitation** (FG04, FG05, FG07). Worker exploitation arouses less controversy than sexual exploitation (FG03). Respondents also pointed to the normalization of exploitation in the collective social imagination, as well as the lack of political engagement in some regions in combating this issue.

“Sexual exploitation is how to say it, it activates more media attention and thus our feelings, and we are less used to dealing with sexual exploitation than exploitation at work, which is usually considered a "normal" condition, in quotes. I think it is more the topic of sexual than labor exploitation that attracts more attention because of the widespread feelings, its universality defined as a condition we all experience, some more, some less. As if to say that labour exploitation is more justified than the sexual one, no? (FG03, Rome, 22.06.2021, 51)

“Thing regarding labor exploitation, it is not even considered. It seems that it does not exist here. Especially in the regard of exploitation in agriculture. We have apples here. Here though, we talk about the political desire. There is no openness from political point of view to show, to bring out this phenomenon. Because here in [X city] the situation is a bit "perfect." No one is interested in bringing it out. With labor exploitation, surfacing is really complex” (FG06, Rome, 8.12.2022, 35)

Thus, participants agreed that a broader range of tools has been developed to recognize forced prostitution than those available to combat labor exploitation (FG03, FG05, FG07).

“At least in our area on sexual exploitation there is a lot of training and awareness. I think more in general we've been able to catch situations that can occur. On labor exploitation - no. I can't say that there is all the same awareness. Also, because it's very delicate just...the line between what is accepted and what falls under labor exploitation. The line is not so defined. But for the local population it's not so clear either” (FG03, Rome, 22.06.2021, 49)

As one participant indicated, such phenomena are deeply entrenched **in legal structures as well**. The participant's remarks depict a picture of legal attention devoted to issues of forced labor, which has only been shaped in recent years. Historically, international conventions addressed both forms of exploitation, but specific legal provisions were introduced only recently. According to the participant, Italy serves as an example, where Article 603 bis was added to the penal code only in 2011, defining labor exploitation and illegal intermediation (caporalato).

The provision underwent transformation in 2016, which may suggest a growing interest in combating labour exploitation. The participant also pointed out the perspective of case law.

Court rulings are usually more prevalent and discussed in cases of sexual exploitation. In practice, this also signifies the weak enforcement of existing norms penalizing forced labor (FG03).

“From a legal point of view, there is more attention to sexual exploitation because only recently there has been more legal focus on the labor exploitation and forced labour. Yes, some international conventions were made. But In Italy only recently, in 2011, we have created article 603 bis, which defines labor exploitation and illicit intermediation (it. caporalato). Then the provision was revised in 2016. So, the focus has been there only in recent years. From a jurisprudential perspective we also have the rulings most often on sexual exploitation itself. Sexual exploitation is punished by our code with specific norms already before 2011 and labor exploitation only with the recent norms. And that means it can have, still, the enforcement difficulties (FG03, Rome, 22.06.2021, 52).

Individualizing processes and early identifying indicators of vulnerability to forced labour and HT

According to respondents, addressing the "continuum of exploitation" (FG04) prevalent at various stages of asylum necessitates **a continuous and systematic approach to identifying indicators of human trafficking** (FG05, FG07). Participants underscored that the identification of vulnerability or signs indicative of potential exploitation should extend beyond the moment of interview with the Territorial Commission (FG06, FG01, FG07). They emphasized the importance of initiating this process during the registration and admission phases. This call for action aligns with the acknowledged need for adequately trained and empathetic personnel who possess the requisite competencies to discern potential signs of human trafficking (FG05, FG01, FG07).

To enable early identification of human trafficking indicators, it is imperative to **tailor procedures to the individual circumstances of migrants** (FG07). This involves comprehensively understanding the diverse experiences of migrants. Respondents stressed the importance of taking a holistic approach to analyzing migrant histories, rather than solely relying on formalized guidelines, such as those related to originating from a safe third country (FG05).

“But when there are signs, which can also be nonverbal, simply behavioral, significant, it's always good to recognize them. Obviously, we know that this can result in false alarms and a delay in timing, which perhaps could have been avoided. However, I believe that when in doubt in a case of potential exploitation, it's always better to thoroughly evaluate the situation.” (FG07, Rome, 8.12. 2022, 49).

"I would also identify other weaknesses. For example, access to international protection has not been granted to everyone, in some of the cases. I mean, it's a right and it should be available for everyone, but it's not here in [X region], let's say, based on my experience. For instance, applications from Tunisians are subjected to greater scrutiny than those from Nigerian or Somali women" (FG07, Rome, 8.12. 2022, 26).

Respondents also advocated for a deeper interpretation of migration drivers and the experiences encountered by asylum seekers during transit. They deemed it useful to distinguish between the stages "pre-Libya" and "post-Libya" (FG04). From participants' statements, it is evident that staying in Libyan detention centers or passing through the Libyan route significantly influences their subsequent situation in their country of origin. This indicates, as respondents pointed out, the necessity for more nuanced and effective methods of gathering information (not only about COI, but also about the transit) (FG01).

Furthermore, according to them, new ways of sharing knowledge between systems are also required. As discussed in one of the groups (FG07), an individualized approach and avoiding generalizations regarding histories of exploitation and human trafficking are crucial. **Monopolizing the issue of human trafficking and forced labor to a single nationality** is a theme that frequently emerged across several groups (FG03, FG04, FG05, FG07).

"One point of weakness is the fact that the significant migratory flows in our region have resulted, I would say, in focusing attention primarily on Nigerian women rather than on individuals of other nationalities." (FG07, Rome, 8.12. 2022, 19).

"For instance, if they encounter a Nigerian woman with children, they quickly jump to conclusions. They immediately assume she could be a trafficking victim escaping from what we perceive as a more typical or recognizable situation. Consequently, procedures are swiftly set in motion. However, numerous other individuals, including minors, pass through without being identified as victims of sexual or labor exploitation. They don't trigger these alarm bells, and as a result, their cases aren't reported to us." (FG06, Rome, 8.12. 2022, 39)

In several focus groups, it was highlighted that attention post-2016 was mainly focused on Nigerian women, who were a group identified already at the initial stages of registration (FG03, FG05, FG06, FG07). Research participants pointed out that the stories of Nigerian women serve as a "textbook example of human trafficking" (FG04). One of the problems identified by respondents was the overlooking of indicators in other migrants. Their stories can be more complex or less documented. As indicated in two of the focus groups (FG05, FG06), this is linked to the need to increase awareness among workers and operators.

"It should be noted that within the trafficking circuit, 90% of individuals brought into facilities are Nigerian. However, on the streets, we intercept individuals from 22-23 different communities and nationalities." (FG02, Rome, 21.06. 2021, 70)

"The Albanian mafia dominates significantly in the realm of prostitution on the streets. While we possess considerable knowledge about Nigerians, 'Caporalato' in the countryside remains a prominent concern. However, the emergence of numerous migrant-run businesses, particularly those operated by individuals from Bangladesh, raises questions. How do they establish themselves? What forms of exploitation are involved for someone working 18-20 hours in a store?" (FG02, Rome, 21.06. 2021, 74)

Cooperating in a multi-agency system at the registration stage

Respondents emphasized the importance of ensuring continuous interagency cooperation in effectively combating forced labor among asylum seekers (FG02, FG05). They strongly emphasized the significance of systematic meetings among representatives of entities involved in countering human trafficking (FG06, FG04). Operational management of the situation requires the involvement of representatives from police departments responsible for processing applications, representatives of international organizations (such as UNHCR, IOM, and EUAA), workers from anti-trafficking networks and NGOs, as well as prosecutors responsible for addressing human trafficking (FG01, FG05). Systematic meetings of key stakeholders were also seen as opportunities to develop a coherent strategy in dealing with migrants (FG02, FG07).

"We have, perhaps, a strength that we inform ourselves, sustainably and systematically. We have this focal point immigration center, that kind of acts as a filter to the Questura. Of which we [anti-trafficking entity] are also an integral part. So, anyone who comes in, to say that want to make an application for international protection, at the single desk for immigration, the operators who work there they are able to spot any indicators of trafficking. Then they can go to the office next door, that immediately offers an in-depth analysis of the particular case" (FG07, Rome, 8.12. 2022, 16).

It was pointed out that meetings of key stakeholders serve various purposes, including knowledge exchange, enhancing competencies, understanding one's role in the complex system, building mutual trust, and networking (FG02, FG03, FG05, FG07). This translates into more effective collaboration in subsequent stages, such as during meetings of Territorial Commissions and within the referral system (FG05, FG02, FG04). Access to specialized information (e.g., sharing knowledge about the latest indicators and patterns of human trafficking in the region) enhances the ability to respond at the earliest stages of asylum seekers' stay (FG07).

5.1.2. Exposing through asylum procedures

Registering inaccurately and hastily

The vast majority of focus groups (5 out of 6 FG) highlighted the arrival phase in the host country and the registration procedures as crucial in addressing forced labor and protecting asylum seekers (ARs). In all 6 focus groups, there was a common concern about the rushed and superficial registration of incoming migrants. Registration plays a pivotal role in determining where individuals will be accommodated and which asylum application processes they will undergo.

“From our experience, early identification and registration processes hold fundamental importance. These procedures must be meticulously planned to accurately analyze specific indicators that may arise. For instance, our input can sometimes aid in facilitating the registration of correct data, as some migrants provide varying information, which serves as an important indicator to consider. However, there is a lack of specific attention to exploitation during this phase” (FG03, Rome, 22.06.2021, 27)

“Entry procedures and registration have a significant impact. Precise and early identification could potentially prevent exploitation within our country. Therefore, it is critical to pay attention to these procedures” (FG01, Rome, 22.04.2021, 35)

Rushed procedures and lack of thoroughness during registration can lead to false or incomplete information being provided. Sometimes, migrants may feel pressured to provide false details, potentially under coercion. Errors in transcription of personal information or lack of diligence during the registration process also contribute to this issue. Participants commonly referred to the registration form as "C3," which is the document allowing asylum application registration. Improper registration procedures can significantly delay the process of granting international protection, such as when authorities need to intervene to verify the accuracy of provided information.

Another concerning issue is the lack of control over verifying migrants' ages. Providing false age information can result in individuals being assigned to inappropriate reception facilities.

“I've noticed a significant number of errors consistently occurring in C3 forms. These errors primarily involve the transcription of names, dates of birth, and other personal information. These inaccuracies can lead to quite serious issues. We've encountered situations where the Prefecture initiates investigations due to discrepancies in the personal

details provided at the time of entry, particularly when names have been transcribed incorrectly” (FG05, Rome, 23.06.2021, 51)

The problem lies in the lack of control over verifying the ages of migrants. Providing false age information can result in individuals being assigned to specific reception facilities.

“We could, of course, tell everyone to get a wrist bone examination [ironically referring to a method of assessing bone development to determine a person's age]. In some cases, I can see clearly that a girl is younger than 15, but she claims to be 19 because 'madame' told her to state that age. So, we register her as 19. If not, they will send her back to Nigeria, and what good will come of that?” (FG04, Rome, 22.06.2021, 57).

The declared age during registration determines whether an individual will be directed to a reception structure for minors (unaccompanied minor foreigners), which provides much stricter protection for the individual (FG04, FG05). This was identified in 14 segments of data of 3/6 FGds. Conversely, if adulthood is declared, beneficiaries are placed in facilities where they reside with adults. Among these, as indicated by respondents, there may be perpetrators, such as Nigerian "madams." Information gathered during the research indicates that they exercise control over migrant women, transferring them into the hands of organized crime or directly onto the streets. Being housed with them in the same centers, due to improper registration, creates conditions for exploitation and forced labor (FG05, FG03, FG06).

The FGs emphasized that providing false information during registration can itself be an indicator of vulnerability, which is very difficult to detect. This raises the question: ‘why would someone lie in their asylum application?’ The FGs pointed out that incorrect registrations affect the entire process of caring for system beneficiaries. "We don't know who we're dealing with" (FG04). Biometric data, origin, family relationships - if all this information is false, it's difficult to establish a path to integration, let alone provide adequate necessary medical or psychological assistance, "not to mention combating human trafficking" (FG04).

The Covid-19 pandemic has exacerbated the problem of identifying perpetrators and victims during the registration phase. Many potential beneficiaries of the protection system were never registered. Epidemiological procedures and ad hoc actions have limited communication channels with asylum seekers. "Personalizing the context (e.g., by adjusting the approach to specific migrant nationalities) has been replaced by generalization and simplification" (FG03, FG05, FG01). Registration agents "now more than ever see the forest rather than individual trees" (FG03).

“In Sicily, in recent months, we have faced several challenges regarding land descent territory due to COVID-19. We were unable to immediately intercept all those in the arrival phase, which made the situation very complicated. Additionally, providing tailored information according to each nationality that arrived has been challenging” (FG02, Rome, 21.06.2021, 13)

Participants in the focus groups emphasized that "there is a lack of special attention devoted to the issue of exploitation and human trafficking in this initial phase of the system" (FG05). They observed that the registration stage is instrumentally used as a control tool and, in the longer term, as a means to force victims onto the streets and into the hands of organized crime (FG04, FG05). In this context, asylum seekers were referred to by the focus groups as "destined for exploitation" (FG04). This term was most commonly used in reference to female migrants from Nigeria.

“There were times, even now a bit, when we had like 20-25% of people coming into our system who were destined for exploitation. I mean, that they were being identified by perpetrators early on, in the landing or even before the journey, they were informed to ‘call the madame’ etc. Of course, mostly it concerned the Nigerian world. The journey and the process in the territory affects a lot, there is no doubt id. It affects your life” (FG04, Rome, 22.06.2021, 59).

The superficiality of registration also contributes to the problem of identifying perpetrators. This phenomenon is referred to in the focus groups as "manipulation of family ties" (FG04, FG07). Participants in the focus groups noted that those in control declare familial relationships with the victims during registration, ranging from claiming to be spouses to other family connections. The superficiality of registration and the "lack of sensitivity and attentiveness of the agents responsible for registration" (FG04) mean that both victims and perpetrators are assigned to the same reception center. In this way, perpetrators gain unrestricted access to victims, controlling them from reception facilities and directing them towards further paths of exploitation (FG03, FG07).

“It is extremely important to pay more attention to this issue, whether there are perpetrators and potential victims in the same group, or whether there are any forms of control and objectification that could lead to exploitation. Paying attention to this, for example, within the same nationality circles, is crucial. COVID has brought these issues to the surface even more. In our case, despite numerous requests to the Ministry of Internal Affairs for access to hotspots, we did not receive permission (without justification). This means that many individuals, who had no chance to obtain proper information regarding

human trafficking, slipped through the radar of our [anti-trafficking network]” (FG03, Rome, 21.06.2021, 44).

“In fact, extremely important at this stage is the ability to catch a piece of s***, and that is our goal. And since this piece s*** is exactly in the same migration circuits - I always repeat - that we have to be careful (FG04, Rome, 22.06.2021, 73).

“Madams from Nigeria often were the first ones to take girls to the Police Headquarters to have them apply for asylum. Because it's also much more protective, even for them, that the girls on the street can stay, they can work, and they have an ID. So, if the police stop them on the street and they have a permit and asylum request, nothing happens. They can work, nobody stops and controls them. And if not, instead, they risk being taken away. So having a legal document in various cases, in these cases, can be used as a tool to proceed with exploitation” (FG02, Rome, 21.06.2021, 55).

Forcing individuals to submit asylum applications

Forcing individuals to apply for asylum was indicated as a tool for further exploitation in most of the FGs (5/7) (FG02, FG03, FG04, FG05, FG06, FG07). Initiating the asylum procedure guarantees legal residence while simultaneously providing the opportunity for (un)lawful employment without increased risk of deportation and detention. According to respondents, particularly in the case of individuals from Nigeria, exploitation plans often arise in their home country (FG02). To execute these plans, organized criminal groups utilize their illegal contacts in hotspots and reception centers. In this context, applying for asylum deepens the possibility of exercising control over the victims.

During interviews, the theme of "predetermined status" emerged, even referring to individuals "destined for trafficking" (one respondent in FG06 described it as being "packed" (it. "impachettata") for exploitation). This primarily concerns migrant women from Nigeria and entails pre-established narratives and predetermined plans related to their exploitation (FG03, FG04, FG06). Participants identified two groups of individuals: those who enter the system already earmarked for exploitation (often in forced prostitution), and those whose exploitation (forced labor) is created upon arrival in the receiving country. As stated, in the first case “this cycle can be interrupted, and asylum procedures can either facilitate or hinder it”(FG04).

“The girls who arrive already have a project of their own, or at least a project that started from the departure (...). Subsequently the girls seem to have their lives already predetermined with stories already packaged at departure. With contacts, fixed in the country of origin, or of arrival, to which they can turn. Sometimes a person even managed to get a residence permit. And if you don't intervene through an Anti-Trafficking Hotline

Organization (which does exceptional work all over Italy) and if you don't intervene with the targeted and well specific projects, you are unlikely to recover this person from the exploitation circuits” (FG06, Rome, 8.12.2022, 46-47)

In the second scenario, the system can indirectly create exploitation from scratch (FG04, FG06). Regardless of which group of individuals is being discussed, participants unanimously agreed that procedures in the initial phase of registration and reception hold significant power and crucial importance in this regard.

Inadequately conveying information and communication deficits

“I think the information is essential, crucial, so it must be a task and duty to those who attend the stages of first access, or registration ... there is need to give and report all indicators, of an exploitation even not yet in progress, but that may come in the future” (FG07, Rome, 8.12. 2022, 33).

I encoded 64 segments across almost all (6/7) focus groups concerning the role of conveying essential information to beneficiaries at all stages of procedures. The vast majority of statements pertained to the stage of arrival in the country's territory and registration (49/64). Simultaneously, this category is found in both the group of protective elements and those exposing individuals to forced labor. All participants indicated that the quality of information conveyed to beneficiaries is of fundamental importance in the context of addressing the issue of human trafficking among asylum seekers. Properly conducted communication can decrease the risk of trafficking. Conversely, the lack of conveyed information can increase this risk (FG04, FG07).

Participants in the focus groups defined access to information as: a) informing about rights and obligations in the receiving country's territory (19 data segments), b) access to information about risks of exploitation and human trafficking (21 data segments), and c) providing information regarding asylum procedures themselves (17 data segments).

“Where information is effective, it can increase awareness and knowledge, thereby reducing the risks of exploitation. As Don Milani said, "The master knows 1000 words and the worker 1000. That is why the master is the master." The more one knows about their rights, the better equipped they are to avoid exploitation” (FG02, Rome, 21.06. 2021, 64)

The quality of information dissemination was defined as a "fundamental weakness of the asylum system in every represented region (FG01 – FG07). According to the respondents, the communication deficits concern:

- Rights and obligations in the host country:
 - What are the basic rights granted according to human rights, as well as the given socio-legal status (FG03, FG04)
 - Information regarding access to the labor market and its characteristics: what employers are allowed and not allowed to do, minimum wage, basic information regarding forms of employment, and limitations on the labor market due to migrant status (FG03, FG04, FG06)

- Information regarding asylum procedures and the international protection system:

- Duration of procedures and waiting times between different stages, their significance, and characteristics (FG01, FG02, FG04, FG05, FG06)
- Who the various actors in the system are, what their responsibilities are, including what Territorial Commissions are and to which region they belong and what it means for the beneficiary (FG04, FG06, FG07)
- What rights and obligations arise from a specific status of international protection, or what it means if it is not recognized, including information about appeals (FG06, FG07)
- How the reception system for migrants' functions and what it means to be allocated to a particular center (FG02, FG03, FG04, FG07).

"It is crucial that briefing takes place initially at disembarkation points, as well as afterwards in hotspots and first reception centers, and that it is comprehensive. Therefore, how does the procedure work? How long will it last? Will the person be able to access the reception center, and what will be guaranteed to them there?" (FG05).

"When individuals have difficulty understanding their legal status, it leads to exploitation from the moment of departure and continues upon arrival. As they progress from hotspots to CAS to SAI and beyond, they often struggle to comprehend the path they are taking..." (FG06).

- Understanding human trafficking and forced labor:
 - Definitions of forced labor, exploitation, and human trafficking, including legal and illegal aspects (FG02, FG04).
 - Common patterns of migrant exploitation in the area, as well as risks and consequences of working in illegal conditions (FG04, FG07).
 - Providing knowledge of sectors most susceptible to forced labor (FG03, fg04)
 - Information about legal aid for seeking assistance in cases of human trafficking and forced labor (FG06, FG07).

- Accessing help resources, including the Anti-Trafficking Green Number and contact details for anti-trafficking units in the region (FG06).

“Additionally, it's crucial to raise awareness about instances of labor exploitation. For instance, if individuals arriving knew that "in the fields near CARA, where agricultural work entails 15-hour days for just 6 euros – this is called an exploitation, and it's illegal." And yes, it is true that in the absence of the alternatives - the person will do it anyway, right? But nevertheless, you need to be informed that the work in Italy works in such a way, or other. They should know their rights, understand that no one can coerce them into work on the streets or take them to camps, and that they are not subject to blackmail” (FG05, Rome, 23.06.2021, 53)

“So, for this moment our goal is to find the way in which the migrant who sets foot in our territory has an informational opportunity, at least this one person in a group” (FG03, Rome, 22.06.2021, 18).

The scope and quality of information provided to migrants depend on the route they take to reach Italy. Participants noted that migrants arriving by sea, intercepted by the Coast Guard, or assisted by NGOs engaged in search and rescue (SAR) receive much more attention and communication resources. Conversely, migrants arriving by land, such as those reaching regions like Trentino and Imperia, face restricted access to information.

“And it is true that when you intercept the boat, and you intercept 150 human beings, anyway you register them and talk to them for the first time. Then those who arrive in this manner, it is clearly, that it is easy to intercept a landing that comes from Libya, in that matter” (FG02, Rome, 21.06. 2021, 47)

“I agree that this process is rather neutral in nature. It is mainly responsible for the information function, it also provides information about investing in disembarkations management, rescue assistance, sea rescues etc. It provides opportunities for information that may not always be possible with other means of reaching out the territory, to give all information at the entry in a comprehensive way” (FG03, Rome, 22.06.2021, 21)

Throughout 3/7 focus groups, I coded 8 segments related to the **lack of continuity in information dissemination**. According to respondents, continuous communication (including reminders and repetitions) is essential from the moment migrants arrive in the country until the second level of reception. This is particularly important due to the difficulties in assimilating information in the initial phase of procedures when migrants are focused on "survival." Participants observed (in FG02, FG03, FG04) that

immediately after the journey, migrants are often in trauma, shock, or extreme exhaustion, which does not facilitate information absorption.

“In the sense that an information is given to people who are completely traumatized by the journey. Even completely tired. Most of the people that we welcome in the facilities - I don't know - to those from Lampedusa for example, we talked about things, but they don't remember it, it doesn't stick. So, you should maybe do again all the informative, in all possible ways, in hotspots, the first and second reception. Again and again” (FG02, Rome, 21.06.2021, 41).

5.2. Identification Processes

5.2.1. Protecting through asylum procedures

Collaborating with Territorial Commissions

In all focus groups, the theme of collaboration with Territorial Commissions (TC) emerged. Interestingly, it spontaneously arose during discussions about the weaknesses and strengths of the asylum system in Italy. This emphasized coincidence occurred most frequently when discussing the identification phase.

Respondents considered TC to be crucial in combating forced labor among ARs (in the general code group broadly labeled "collaboration," as much as 40% of all mentions were related to the aspect of collaboration with commissions). According to respondents, interaction with TC is an important element enabling the improvement of the effectiveness of identifying victims of human trafficking and protecting them. At the same time, it was noted that the quality of this collaboration varies depending on the specific regions of Italy, and even specific TCs. Nevertheless, the majority of participants described collaboration with TC as a "strength of the system."

“So, one of the strengths of our system here in [X region], which I believe we share with other regions, is the referral system, especially the direct collaboration with the territorial commission. We go directly to the commission to conduct anti-trafficking interviews, right there in the commission itself, and there we have very effective communication” (FG02, Rome, 21.06. 2021, 15)

“Regarding another strong point, there is the cooperation from the TC in having an anti-trafficking representative. Because until recently, obviously, this was not contemplated. Then, a memorandum of understanding was made with the commission, so everything is

straightforward. It is particularly important that they have clarified what the specific roles are. The Commission operates very carefully” (FG06, Rome, 8.12.2022, 16).

Respondents unanimously agreed that this collaboration has consolidated over time, reaching back to 2016. Currently, the strength of this collaboration, which according to respondents reduces the risk of forced labor among asylum seekers (ARs) and increases the chances of identifying potential victims, lies in the direct participation of representatives from both systems in the identification processes (FG02, FG04).

Not all Commissions have delegates from the anti-trafficking network. However, most regions are moving in that direction (FG01, FG03, FG07). The role of representatives from the anti-trafficking network continues to grow (FG01). Particularly valuable, according to respondents, is the presence of a network representative during interviews conducted by the Commissions with asylum seekers (7/7). Their active involvement allows for the identification of indicators and potential vulnerabilities to exploitation, becoming possible at the early stage of applying for international protection (FG02).

“Certainly, this collaboration, along with the sensitivity with which the TC has embraced the services offered by the anti-trafficking body, is a strength. During the hearings, it is well known that standard questions are sometimes asked. However, now there is a better understanding of what this person's story may conceal. Therefore, we can say that the officers conducting the hearings are very cautious about certain possibilities and indicators of trafficking” (FG06, Rome, 8.12.2022, 17).

“Many people are instructed by exploiters to destroy documents, then to make contact and leave the centers, essentially exiting the system. Therefore, it is strategic that in the identification process, within territorial commissions, there is involvement from the anti-trafficking body, which helps to open the eyes of the commission and sometimes even the eyes of the girls” (FG06, Rome, 8.12.2022, 81).

As indicated by the respondents, this shortens the referral procedure time and eliminates the risk of inadequate identification of potential victims (FG01, FG04, FG06). It enables the recognition of indicators of human trafficking directly during interviews before the Commission. This reduces the number of asylum applicant visits, thus minimizing the risk of re-traumatization (FG05, FG07). Focus groups have shown that the presence of anti-trafficking representatives can assist in identifying hidden exploitation and less obvious patterns of human trafficking, as well as complex individual histories.

“In my view, a progressively closer relationship has developed over the years between the CTs and anti-trafficking agencies. It's a relationship of trust that has grown and solidified over time. Indeed, it has proven highly effective in handling even extremely complex cases involving multiple vulnerabilities, thereby providing greater protection to trafficked individuals who are either

currently at risk or may be at risk in the future. This collaboration has yielded significant results. A notable strength lies in the ongoing communication and updates between the commissions and the anti-trafficking agencies. Additionally, continuous training initiatives have afforded the anti-trafficking network insights into the commission's operational methods” (FG07).

Respondents pointed out that thanks to the established trust and symbiosis of experiences between the staff of both systems, doubts regarding the need for special protection are increasingly being resolved in favor of the applicant. This also applies to decisions regarding the granting of international protection. According to participants, this strengthens an approach focused on the beneficiaries of the system.

“Girls who are victims of trafficking not only report their experiences but also often apply for asylum. Moreover, through cooperation with the Territorial Commissions, it becomes easier to ensure proper protection, in summary” (FG07, Rome, 8.12. 2022, 32).

“This allows the committee to consider the assessments provided by the anti-trafficking entity. We have observed that in cases where doubts arise, assessments made in collaboration with the entity tend to favor the victim and result in the granting of international protection” (FG06, Rome, 8.12.2022, 20).

Formalizing procedures and operating of the referral system

As a tangible outcome of joint efforts, the Memorandum of Understanding (it. *Protocollo d'intesa*) was developed. In all focus groups, in 28 coded segments of data, the creation and implementation of the protocol were positively assessed. It establishes the framework for collaboration between the Territorial Commissions and entities comprising the Italian anti-trafficking network. As indicated by the respondents, its aim is to standardize actions when considering cases of potential trafficking victims among asylum seekers. Thanks to formalized guidelines, duties, procedures, and specific roles of agents are clearly defined, integrated, and harmonized.

“If I have to give you a very quick answer myself, I'll tell you - it's good cooperation. By now almost all of them have Protocollo d'Intesa, by now we have a standardized referral, that you go almost automatic in referring victims, especially sexual exploitation to the anti-trafficking body. All the commissions have a relationship with the anti-trafficking projects on the ground. So objectively it is a good situation. Of course, it can be always improved especially in some areas” (FG01, Rome, 22.04.2021, 89).

The agreement also operates based on regional cooperation, involving all entities within a given territory (FG01, FG04). According to respondents, this facilitates coordination of actions, reduces the time of (excessively lengthy) procedures, and enhances information exchange among the involved actors.

Moreover, collaboration enhances the effectiveness of the referral mechanism and overall asylum protection in Italy (FG04, FG05, FG07).

“Also, thanks to the memorandum of understanding, meetings are held periodically with various officials and the entire TC, including the president. This is because the phenomenon is evolving, and we have observed this even more in this period. Having a perspective from both sides is very useful for us. The exchange of information that they bring back to us helps to create more and more connections. So, I just wanted to emphasize the discourse of continuity” (FG07, Rome, 8.12. 2022, 43).

Knowledge exchange and systematic working meetings based on a "multi-agency" approach are another benefit resulting from cooperation (FG07, FG04, FG01). Effective communication channels, structured meetings, and continuous knowledge exchange are considered essential in building trust and fostering long-term collaboration.

“There are the meetings where we meet and talk about the phenomena, even about the individual case, gather elements from one side and another. Teamwork is done here well, I must say. And that for sure reduces the problem of exploitation in general” (FG02, Rome, 21.06. 2021, 39).

As a result of these meetings, specific "focal points" were established for each of the systems and territories (FG02, FG04, FG07). In the focus group discussions, it was pointed out that these are specific individuals who, through training among other factors, have gained competencies and necessary sensitivity in this area. Ongoing and systematic contact, as well as information exchange among these individuals, enhance the effectiveness of identification procedures and the overall effectiveness of both systems' operations (FG01, FG06).

“Good information/training on indicators or pre-indicators is very important in our opinion. That's why we have been dedicated to it lately, with a lot of sensitivity on the part of the CT to work on that, actually. This entails continuous information exchange about the phenomenon, between what the Commissions know and what the anti-trafficking entity observes instead. This is absolutely fundamental (FG07, Rome, 8.12. 2022, 27)

“On the other hand, meetings have definitely brought more knowledge of the phenomenon for the officials, including those from the CT. What we have observed in recent years is also the establishment of focal points on trafficking. In our Commission, as I imagine in others too, there are people who act as focal points. This has allowed these individuals to be involved, to share a lot of information, undergo training, and therefore develop greater capacity and sensitivity (FG07, Rome, 8.12. 2022, 43).

As shown by respondents, the natural need for this collaboration is evident, for example, in the established cooperation and network of contacts even before formalizing the collaboration. The relationship was based on reciprocity. Where this kind of cooperation existed previously, it contributed to the effective implementation of formalized guidelines (FG01, FG07).

“For a long time, since before the guidelines - written by UNHCR provided for anti-trafficking project and commissions - we already had a very similar memorandum of understanding. Maybe it even provided let's say the model for how to work, even maybe for UNHCR. So, we have a long-standing relationship with international protection, in short. And this relationship (also with CT) let's say, is also mainly based on reciprocity” (FG07, Rome, 8.12. 2022, 5).

As a result of regionally focused collaboration, several local Human Trafficking Observatories and Migration Observatories were established. This information emerged only in one focus group (FG02), but it is worth further exploration. Observatories can be considered good practices worth implementing throughout the territory of the host country. They represent an extract of previously mentioned elements enhancing protection, including protection for asylum seekers (ARs). Respondents indicated that the establishment of the observatory indirectly resulted from deepened cooperation and coordination between TCs and the anti-trafficking network. The observatory in Sicily emerged from the collaboration of two local territorial commissions. In Sardinia, it partly formed due to increased attention to exploitation issues, including forced labor.

“We talk about the work of raising awareness, of reporting people on labor exploitation in the territory. That interest has expanded a lot. Forced labor, fortunately, lately receives a little more attention, interests several clients. Even the region and the network here have noticed the interest in creating a fixed observatory on the issue of trafficking and exploitation (...). It allows us to join forces to counter the problem” (FG03, Rome, 22.06.2021, 5).

In one of the focus groups, information was mentioned about the creation of an "internal referral system." The case highlighted draws attention to the potential benefits of going beyond formalized

cooperation. The internal collaboration circle is based on building preliminary relationships and expanding communication with Territorial Commissions. Additionally, it includes, among others, reception system workers. As indicated in the focus groups, this less formal way of contacting representatives of the anti-trafficking system immediately after recognizing preliminary indicators of trafficking is emphasized.

“We implemented a sort of 'referral within' system. Essentially, we developed a form through which operators from reception centers could refer individuals to us, either via email or phone, even before approaching the Commission. This could happen before, during, or after the process. With this system in place, when we received numerous referrals from the Territorial Commission, we already had prior knowledge and a connection with the referred individuals. This allowed us to establish a relationship earlier on. These weren't unfamiliar people. We knew them, and they knew us" ((FG06, Rome, 8.12.2022, 42)

Respondents indicated that such "redirecting" of potential victims of forced labor can occur even before the first interview with the Commission, during the process of granting protection, and even after obtaining international protection (FG06).

According to them, facilitating the reporting of cases allows for early identification, primarily through ongoing information exchange among multiple actors. At the same time, they pointed out that having knowledge of an individual's situation at such an early stage significantly enhances the effectiveness of work during subsequent stages of protection.

5.2.2. Exposing through asylum procedures

Functioning of Dublin III Procedures

Data from focus groups indicates that Dublin procedures not only hinder assistance to human trafficking victims but may also increase the risk of subsequent exploitation. Respondents identified the following critical points associated with the implementation of Dublin III: returning identified trafficking victims to the first country of entry, the process of returning vulnerable groups exposed to human trafficking and exploitation, burdening the systems of "frontline" countries due to the nature of the regulation itself, and the lack of a formalized procedure for certain individuals, leading to chaos and unnecessary risk (FG02, FG03, FG04, FG05 FG06, FG07)

"It is also still overlooked that under Dublin III, it is not really necessary to turn away the most vulnerable people, including trafficking victims. There is such a possibility. If you have a Dubliner who is a victim of trafficking – that you don't have to turn her away,

on the contrary, since you already know this - then you have a chance to implement assistance programs. No one ever considers this solution. That's why they move them out of the state to Italy where most were registered - let them worry about these processes there" (FG04, Rome, 22.06.2021, 60)

Part of the problem of insufficient protection for particularly vulnerable individuals is the repatriation of identified human trafficking victims. This was the aspect most frequently raised by participants in the focus groups. It is associated with a lack of targeted support, and even failure to utilize existing protection mechanisms, which ultimately may increase the risk of exploitation (FG04, FG01).

Reconsideration of asylum applications and the risk of not receiving international protection indirectly led to irregular returns of individuals subject to the Dublin Regulation. Asylum seekers return on their own, immediately turning to aid organizations (in the best-case scenario), "knocking on NGO doors and saying, 'I'm a Dubliner, please take me in'" (FG04, Rome, 22.06.2021, 66).

"On July 29, a year ago, someone calls [NGO X] on the intercom and says: 'Good morning, I'm here with an eight-month-old baby, we came back from Germany, I'm a 'Dubliner' [under the Dublin III procedure]. Help Us" (FG04, Rome, 22.06.2021, 67).

The NGO, which is part of the anti-trafficking network, therefore approached the Prefecture to request the girl's admission under the system. As indicated, this was associated with unconventional requirements. For example, writing a letter of apology expressing remorse for straying from the Italian asylum system where she was registered. She had to prove that the "madame" forced her to do so, coercing her into prostitution. She was then instructed to move to Germany, where she was told she would receive better medical care for her pregnancy. The case was also reported to the regional DDA. The beneficiary agreed to file a report. Several fortunate coincidences accompanied the situation, such as capturing a photo of the perpetrator's profile on a social media platform. He used his real information there, made threats, and forced repayment of debt. The report ended successfully, and the Nigerian woman was granted social protection. However, much depended on the "titanic" - as described by participants - commitment of the local anti-trafficking network itself. Very little, on the other hand, depended on the system itself. Therefore, research participants point to the glaring need for new structural solutions. The system should not rely solely on social workers by vocation and well-functioning local organizations (FG04).

Informal returns outside the asylum system increase vulnerability to forced labor. They also impose additional burdens on local non-governmental organizations, affecting their efficiency and effectiveness in combating human trafficking.

"There is a risk that all Nigerian women in the EU have left their fingerprints in Italy. Because, as I told to a one Finnish girl who came to me, 'it is difficult to come to Finland first, no?' [laughs] in short. So, how does it work? "Let's do it through Dublin", which here means a mechanism where you go back to the reception center and renew your application for protection, if there is one. And what if there is a refusal or a risk that you will be rejected? So instead of going through this system, you come to Italy in some other way: you say we are Dubliners, knock on the door of [name of NGO] or another organization, and ask for help. This is risky because it opens up informal channels" (FG04, Rome, 22.06.2021, 58).

Some individuals who undertake such informal returns are referred to as "semi-dubliners," in Italian "dublinati non dublinati" or "dublinati non formalizzati" (informal Dubliners) (FG04). These are individuals who have returned to Italy (as the first country of asylum application) on their own initiative. Refugees often admit that they knew they would be returned to Italy, so they preferred to do it 'their way.' This is a problem particularly visible in border regions, such as cities like Bolzano (FG06, FG07).

The statements also highlight the limited access to reception centers for individuals returning under the Dublin Regulation (FG06, FG07). According to the Salvini Decree, asylum seekers lose the right to accommodation if they are absent from the center for more than 72 hours. According to respondents, regaining this right is time-consuming and challenging (FG06, FG07). The increase in the risk of forced labor is also influenced by the so-called "burden-sharing" and the lack of inter-state solidarity within the EU (FG04, FG07).

"When Italy asks the European Union for relocation [of ARs] - the European Union's answer is "No. But I'll send you who we already have - back". So, we find ourselves in an endless game of European bureaucracy. What's more, all of them ignore the fact, of the articles 4, or 3... I can't remember, which allows you not to send trafficking victims back to the country of first registration, even if the fingerprints are in the country of "arrival" and the person is already in another European country. This is never respected. We say 'dear, victims of trafficking are victims of trafficking' and they send them back to Italy to continue international or social protection there. It is a paradox" (FG04, 22.06.2021, 56).

Inadequate collaboration between systems and the importance of the human factor

The human factor was identified by respondents as both supportive of protection efforts and as having negative consequences for the protection of ARs.

Collaboration is based on established mechanisms that seek to mitigate the influence of the human factor (such as the previously mentioned *Protocollo d'Intesa*). However, even with systematized processes, the willingness, sensitivity, or knowledge of specific actors can play a significant role. Participants mention the dependency of cooperation on interactions with individual representatives of the commissions (FG01, FG03, FG04, FG05, FG06, FG07). Therefore, they emphasize the importance of flexibility and competence on both sides of the systems. Respondents observed that delegates sometimes lack interest in the safety of ARs. They do not always make the necessary effort to identify and potentially refer cases for protection (FG04, FG07). Nearly half of the coded referral data related to these deficiencies (6/13).

One of the problems is linking international protection to social protection. Some commissions believe that if a person does not meet the requirements to initiate social protection under Article 18 (entering the anti-trafficking system), it means that they do not qualify for any form of international protection. According to a research participant, "one should not exclude the other." The essence of the Referral system is to redirect these cases between systems (FG03, FG04, FG07).

“A major weakness is that in some cases the commissions, with which we struggle a little bit more, still consider that if the person does not adhere to the anti-trafficking project or Referral, that is a disadvantage for the release of international protection. So, our struggle is to make it clear that regardless of what the person decides to do here, if they are in danger in their country of origin, they are entitled to international protection” FG04, Rome, 22.06.2021, 13).

“I agree with everything that has been previously mentioned regarding the international protection system. Sometimes, the territorial commissions are not (I'm not saying they are incapable), but sometimes they are not very sensitive to exploitation and reporting to anti-trafficking agencies” (FG01, Rome, 22.06.2021, 11)

Inadequate identifying within the Referral system

Among the weaknesses of inter-system cooperation, inadequate identifications within the Referral system have been highlighted by participants. In some Territorial Commissions, improper recognitions of human trafficking victims and the referral of too many individuals to the anti-trafficking system have occurred. This has led to a burden on the anti-trafficking system.

The consequences have included struggling with lower system efficiency, limitations on the ability to conduct thorough analyses and holistic interviews with potential victims. Negative impacts on the duration of procedures have also been observed. According to participants, such a situation indirectly exposes individuals to a greater risk of exploitation.

“For example, if we talk about the territorial commissions, it has been really challenging to work with them in recent years. The collaboration has been very difficult. The commissions have reported incredible numbers of potential trafficking victims, which has also created a workload for anti-trafficking agencies throughout Italy. There has been a lack of complete coordination, despite the mediation of UNHCR. Often, we received reports and referrals that were not properly suitable” (FG03, Rome, 22.06.2021, 35).

Inappropriate identifications and lack of coordination between systems can lead to misdirected attention towards the wrong group of individuals. This significantly hampers the early identification and protection of those who truly need genuine support (FG02, FG04).

“Over the years, I have to say that this has led us to concentrate on 150 people when in reality maybe only 50 of them needed our support and help. This has somewhat impeded the early identification of these 50 individuals. Now, with the commissions, we can say that active, effective collaboration is being achieved, focused on the daily occurrences” (FG02, Rome, 22.06.2021, 36).

In all focus groups, the issue of slow international protection processes was emphasized. Participants confirmed delays in national procedures - particularly between the submission of the protection application and the first hearing before the Commission. They also mentioned the role that inappropriate referrals in the referral system play in delaying processes.

A combination of these overlapping factors prolongs the processing time for applications (both for international protection and protection under Article 18). According to participants, this may also divert attention from urgent issues of safety and protection from forced labor and exploitation.

“One point that is certainly a weakness is the slowness of processes. Everyone in this group, in my opinion, can confirm it [laughs] - the slowness of processes at the national level. The slowness, meaning the time that elapses from the request for protection to the first hearing. And we also contribute to it, and we contribute a lot (...). Especially in the years 2017 - 2018 - 2019. The number of referrals, often inappropriate ones from the CT, has somewhat extended the times” (FG07, Rome, 8.12.2022, 7)

In two focus groups (FG04, FG07), it was pointed out that the issue of burdens extends beyond just the problem of inappropriate referrals to the anti-trafficking system. It is linked to the lack of alternative legal pathways to reach the country and burdens the asylum system itself (FG04, FG06). According to several respondents, this may result from the intersection of economic migration with asylum, as well as the forced merging of asylum and anti-trafficking system (FG04).

Encountering Lengthy Processes

“One deficit is definitely the lack of information, followed by the very long waiting times for the examination of asylum requests” (FG02).

In the transcripts, I've coded as many as 30 segments related to excessive procedural delays, which can increase the risk of exploitation and forced labor. Delays in procedures are evident at each of the specified stages. Waiting is also discussed in the context of the socio-legal status of asylum seekers. Therefore, I address it at various stages of analysis. At this point, I'm focusing solely on the identification processes. One particularly insightful comment encapsulates this issue:

"A person who arrived in Italy with a history of trafficking, destined for sexual exploitation, entered the country in 2016, especially Nigerian women who represent the majority of observations in recent years. So, considering that they make an international protection request, it takes 2 years before going to the commission for the first hearing. Then, they probably receive a ban rather than something else, etc., etc. As [X] mentioned, it takes about 5 years, etc. So, the question is, how long does it take to pay off the debt of this 25 thousand to the organized crime group, working on the streets? We have seen that it is possible to pay off the debt in 2-3 years” (FG04, 22.06.2021, 16).

The prolonged procedures pose a threat to individuals arriving in Italy for exploitation, particularly noticeable in the case of Nigerian women. Respondents' experiences indicate that the average waiting time for an interview before the CT ranges from 12 to 24 months. The outcome of the case is not always positive, typically leading to an appeal process. Participants cited examples of asylum seekers waiting for final clarification of their socio-legal status for up to 4-5 years. The waiting period overlaps with the exploitation time of ARs. Participants in the focus group estimated the repayment period of debt enforced by perpetrators and organized crime groups to be 2-3 years.

“So, we must admit that we have allowed with this protection system, and I repeat with the Italian structural system - not my fault, not X's or Y's fault - but of course, we wouldn't have it any other way. However, it is precisely a structuring process. And paradoxically with that system we have favored exploitation and favored that specific type of exploitation” (FG04, Rome, 22.06.2021, 32-33).

“The longer the waiting times, the more vulnerable they become. For example, here in [X city], people have to go back to the police station a thousand times, even just to leave a piece of information or their fingerprints, things that were done during the initial identification. So, a lot of time is already consumed with the identification process. Then they may encounter various bureaucratic obstacles, even just to submit their application. What often happens is that people keep trying for days, months, or weeks, and it keeps getting postponed for various reasons. So, they ask: ‘My asylum request will last who knows how long?’ The more obstacles there are, the longer the process takes, and more people understand the need to... work.” (FG05, Rome, 23.06.2021, 50)

“Because from the moment a person goes to the hearing, a lot of time has passed since their request. In our opinion, and I think I can speak on behalf of everyone, this type of reporting or meeting does not help in terms of immediate danger” (FG07, Rome, 8.12.2022, 18).

“I would like to echo what XX said earlier about the weakness caused by slowness. The slowness of the system” (FG07, Rome, 8.12.2022, 21).

Respondents associated the long waiting times between different phases of the asylum system with inertia and bureaucratic barriers (FG01, FG07).

The role of socio-legal status

Focus group participants were asked to assess the potential significance of various legal and social statuses of ARs (asylum seekers and refugees) on forced labor. Six types of statuses were evaluated: asylum seeker whose application was rejected, asylum seeker, refugee, survivors of trafficking who are applying for asylum, humanitarian/subsidiary protection, and unaccompanied minors. Participants also had the opportunity to add their own suggestions if they found the list incomplete. Among those that should be additionally considered were individuals who have filed an appeal after their asylum application was rejected (awaiting further decisions), and individuals subject to the Dublin III procedure. There was also a suggestion to include foreigners who lost humanitarian protection due to changes introduced by the Salvini Decree. Two participants pointed out the absence of a category for irregular migrants. However, due to the established framework, the study only covers individuals who have had contact with the asylum system (i.e., at least applied for asylum).

“Perhaps, I would also add as a category, well... I mean rejections as in receiving a negative result, but there are also recurring ones that remain in reception centers, where they are often exploited due to long waiting times, increased vulnerability, and precariousness. There are also those individuals who, due to the Dublin procedure, go to one country and then return to another, which also creates elements of vulnerability. So recurring cases, and Dubliners” (FG02, Rome, 21.06. 2021, 24)

“The exploitation system, being a migrant myself, makes me believe that it sometimes doesn't distinguish between... It's true that in the past, maybe if someone is undocumented, they are more disadvantaged, in a bad situation, but sometimes it doesn't matter if someone is documented or not. It affects everyone, both regular and irregular migrants. It's true, as Y said, that maybe those who are more regular, who have documents and are already part of a more protected system, are more secure. However, exploitation doesn't stop at the distinction between regular and irregular migrants. It can affect any migrant” (FG02, Rome, 21.06. 2021, 27)

In all FGs, respondents agree that international protection status does not guarantee protection against forced labor and exploitation. They also concurred that several accompanying factors related to each category can either decrease or increase vulnerability to forced labor. The most vulnerable categories were considered to be those whose asylum applications were rejected (including those who lodged appeals) and asylum seekers awaiting decisions (FG01, FG02, FG04, FG06). Therefore, the most at risk are individuals without documents or with only temporary documents and unclear status. The third most commonly mentioned group were Dubliners (FG04, FG05, FG06, FG07). Mentions then shifted to unaccompanied foreign minors (FG01, FG07).

“Absolutely, yes, it has an impact on the incidence of exploitation. Clearly, the applicant whose request has been rejected is the most vulnerable. They are subjected to stronger indicators of exploitation, which can lead to extreme situations. They cannot be hired, they are always under the threat of reporting, so they are paid less and forced to constantly hide themselves” (FG01, Rome, 22.04.2021, 13).

According to participants in the focus groups, the lack of residence permits (or their temporariness) and the need to regularize status create a situation of uncertainty that can lead to forced labor (FG02, FG03, FG04). Individuals in these categories may struggle to find employment. The absence of a residence permit prevents regular employment, while the temporary nature of permits issued to asylum seekers (before a final decision) discourages employers from entering into legal contracts. Their reluctance often stems from the need to frequently renew permits (FG02, FG03, FG07).

“There are those who, while waiting for a response, face an increased risk of exploitation because many employers do not want to hire people with residence permits that are valid for only 3-4-6 months with continuous renewals. Therefore, they are not in favor of offering a stable employment contract, and as a result, even the managers of reception centers shamelessly tell us that the young people in these centers are being exploited, as if it were something normal” (FG03, Rome, 22.06.2021, 25).

“The most important thing is to have a valid document” (FG01). Participants pointed out a recurring pattern among employers: “When you don't have documents, I take the risk for you, so you'll do as I say” (FG01). The relationship may therefore be based on blackmail (e.g., deportation) and violence (FG01, FG03). Individuals with documents are thus minimally less vulnerable to extreme situations, but they are not free from risk. This illustrates what the participants themselves emphasize: that socio-legal status not only may determine the risk of forced labor but also the scale of exploitation (FG01, FG03).

“Certainly, socio-legal status can be decisive and can determine the presence and also degree of exploitation. The greater precariousness of maintaining a normalized status, being a regular person, can result in less exploitation. It also facilitates greater opportunities for employment, integration, and housing. On the other hand, those without legal status or living in limbo face significant challenges. In Italy, people often spend long periods in limbo, passing years and so on. Yes, undoubtedly, this situation leads to increased exploitation” (FG06, Rome, 8.12.2022, 55).

In the discussion, there was consensus that having documents and international protection status does not exclude forced labor. Out of 43 data segments on social and legal status, 14 confirmed this conclusion. In several statements, the example of the Piana di Gioia Tauro region was mentioned, where migrants are exploited for labor. One of the participants in the FGs cited numbers regarding the inhabitants of this area. It was indicated that the risk of exploitation is not necessarily associated with irregular stay. In this case, 94% of individuals were residing in the country regularly. The mentioned MEDU report from this region concerns migrant “braccianti”, who are exploited as laborers in agriculture. Migrants live in informal settlements known as “baraccopoli” (tent towns/barracks).

Among them, only 6% of individuals did not possess any residence documents. Nearly 30% of all foreigners were asylum seekers, and an additional 3% had recognized refugee status. There were also individuals who had lost humanitarian protection and were thus compelled to reapply for international protection.

“So, yes, the percentage of recognized refugees is low, around 3%, but the waiting time for recognition is very long, and even those granted refugee status are few. However, what was very evident was the high percentage of asylum seekers. In reality, among these

asylum seekers, there were many individuals who had submitted a new asylum application after losing humanitarian protection. Therefore, they had not necessarily recently arrived individuals but also those who had been in the country for years. Often, they had lost their humanitarian status and submitted a new asylum application” (FG03, Rome, 23.06.2021, 16).

As indicated by the respondents, exploitation and forced labor do not necessarily depend on having documents (FG01, FG04). In the FGs, it was mentioned that they can result from the dynamics of submitting and processing applications (FG04, FG01), along with the accompanying uncertainties and suspensions in the socio-legal vacuum (FG03, FG05, FG06).

“It is not possible that there are people living in the informal camp of Gioia Tauro for 10 years. I repeat, MEDU wrote about this, and it applies to others in Saluzzo (the same). It is not possible that we have people SURVIVING for 10 years, working for 2 euros per hour, and so on, in this country, right? Clearly, something is not working. But this no longer has anything to do with migration. It has to do with the people working in our country” (FG04, Rome, 22.06.2021, 63).

The statement highlights the intersection (and at the same time the division) between forced migration and worker exploitation. By questioning the structures of the system, it is pointed out that this problem extends beyond migration. In a broader context, it concerns the treatment of workers and the work culture in the given country (FG04).

5.3. First reception

5.3.3. Exposing through asylum procedures

Size of reception structures - large centers

“However, in the first reception scenario, both answers are valid - reduction and increase. In other words, if you enter a well-managed CAS [Centro di Accoglienza Straordinaria/ ang. Extraordinary Reception Center], with a good association like X, for example, you know what I mean, right? They take care of things, they know what to do, etc. This probably greatly reduces, if not prevents, exploitation. If you enter a CAS (specifically like that one in Ancona) with 2,500 people, or as I mentioned before, you go to one managed by the Camorra [Neapolitan mafia, organized crime group], there - not only does exploitation increase, but it becomes a certainty” (FG04, Rome, 22.06.2021, 79-80).

In the above quote, the respondent highlights the significance of the first reception in shaping the dynamics of forced labor.

The issue of the size of reception structures emerged in 4 focus groups (4/7). In the statements, usually, the harmfulness of large structures and the preventive nature of small centers were juxtaposed (FG01, FG02, FG04, FG07). At the same time, respondents associated the size of the first reception facilities with other threads, such as the presence of perpetrators and victims in the same structures and the possibilities for their identification (FG04, FG02). Issues of the organization of foreigners' time and the importance of education also arose in the statements (FG07). According to participants, large centers reduce access to effective education, such as language learning, necessary for integration processes. Combined with inadequate funding and a small number of specialized staff, they hinder individual approaches to ARs (FG04). Instead, in CAS, “it depends on cooperation, on the management mode. Various people want to increase the numbers of guests. And large numbers and few resources don't help” (FG01).

One of the examples provided by respondents was language learning in large groups, where students mix with individuals who cannot read or write (FG07). Another factor highlighted was linguistic affinity. Some foreigners using the Latin alphabet may find it easier to acquire knowledge than a community speaking exclusively Arabic, for instance (FG07). Respondents emphasized the limitations of teaching in overcrowded centers and underscored the importance of considering individual circumstances.

“It's not enough to have an Italian language course with 200 people together, who come from completely different worlds, who have different starting situations, didactic methods, cognitive abilities, and cultural backgrounds. It's impossible to put them together. The most basic thing is that many people who have later joined our projects are illiterate in their mother tongue. It seems a bit difficult to then put them in the same course as people seeking asylum, who may have been university students in their home country” (FG07, Rome, 8.12. 2022, 57 - 57).

The statement from FG07 underscores the role of comprehensive support systems in integration and in identifying cases of human trafficking. Research participants also emphasized the importance of lacking appropriate psychological (and even psychiatric) assistance, which is indispensable. Creating such conditions is impossible in large reception centers, such as CAS. It is also noted that there is a gradual reduction in services dedicated to first reception. This, in turn, not only hampers the chance for positive integration but also diminishes the ability to identify cases of exploitation and human trafficking at the initial reception stage.

“The necessity of psychological and psychiatric support, coupled with a support system and a safe environment for individuals to process their initial circumstances and their journey, is absolutely crucial for their successful integration in a place where they seek protection. However, achieving this becomes impossible in large facilities [sad laughter], in vast reception areas, in CAS even with 200 people. In locations lacking comprehensive support services, which have gradually been removed from extraordinary reception centers (CAS), the emergence of exploitation situations becomes nearly impossible or highly challenging, and the integration of these individuals becomes absolutely impossible (FG07, Rome, 8.12.2022, 56)

At the initial reception stage, the "opportunities" offered to migrants residing in reception centers are important. By "opportunities," respondents understood, for example, psychological support, vocational and language training, education (including preschool), and increasing awareness of the job market. Without a wide range of services, reception centers become more susceptible to infiltration by criminal groups.

“I think that, as we are currently structured, initial reception facilities do not reduce... rather, they may favor the incidence of exploitation. Because when people are there and nothing is offered to them to counter what is promised by other individuals or criminal networks, it's understandable that they would believe and want to believe in these promises” (FG06, Rome, 8.12.2022), 90-91).

According to respondents, it is more difficult to manage space and time for migrants in large facilities, as indicated in 11 coded segments. The lack of appropriate services and meaningful activities exacerbates their precarious situation (FG05). As highlighted in focus groups, organized criminal groups exploit the systemic void by offering "alternative activities" (FG04). If migrants only have the option of passively enduring overcrowded facilities, the attractiveness of any "counteroffer increases" (FG06), even if it comes from criminal groups (FG02, FG04).

"While the CAS, especially some of them, were more like hotels. I have seen one myself, a hotel in the countryside managed by the Camorra, with 600 people inside. What kind of reception is this? All of this has had a strong impact on the situation. Today, we are trying to address and recover from this" (FG03, Rome, 22.06.2021, 49).

In larger facilities, it is more challenging to identify relationships between victims of violence and perpetrators. Information obtained from participants revealed structural exploitation within large facilities. There is no need to look beyond the reception center - violence and exploitation are entrenched within the facility (FG04, FG06).

"I wanted to add this point, which is often mentioned in the stories we hear. The exploiters, the 'madams', are present with them in the reception centers. Therefore, it becomes inevitable to end up in the cycle of exploitation because you arrive together or almost together. These are the people you know, trust, and who refer you to others. Consequently, it becomes much more challenging to detach yourself from these individuals, whom you consider as points of reference, once you are in large centers" (FG04, Rome, 22.06.2021, 83).

"Absolutely, X is right. But we can also add more. In the Cona experience, which is near Veneto, there was something extraordinary. In a large center with approximately 1,250 people, there was this disturbing situation. On the day when the pocket money was distributed, the girls inside the center were forced to prostitute themselves, while those who were also residing there (other migrants) were using the pocket money they received that day. They didn't even have to leave the facility because the madams who were inside controlled everything" (FG04, Rome, 22.06.2021, 84).

Using a first reception as a tool for exploitation

The utilization of reception centers for profit is highlighted in four focus groups (FG01, FG02, FG04, FG06). Centers were established in the locations of struggling nightclubs, outdated sports halls, or unprofitable hotels. According to some respondents, these reception centers were filled to capacity upon opening. As indicated in the focus groups, each registered foreigner in these centers increased the amount

of state subsidies. The extreme maximization of profit and the exclusive pursuit of financial motives by CAS managers were unanimously evaluated negatively (FG04; FG06). One of the respondents also pointed out the problematic cooperation with Prefectures. The criticism is supplemented by improperly conducted tenders between managers of initial reception and local authorities (FG02)

“I have to say that it would be good if the initial reception didn't become, didn't serve as a tool for exploitation. Unfortunately, I see that many organizations involved in initial reception work very well and don't have that perspective, but unfortunately, many others only do it for profit” (FG04, Rome, 23.06.2021, 62).

“As a result [of often changing prefects], the Prefectures constantly question the same types of reception centers through their tenders. Therefore, CAS continue to change. They appear in one tender and disappear in the next. Migrants are often treated like parcels because they keep changing their accommodation” (FG04, Rome, 22.06.2021, 17).

The statements highlighted certain connections regarding exploitation within the centers, maximizing profit by managers, and treating initial reception as a tool for further exploitation. The speakers acknowledge that there are facilities that play a role in perpetuating exploitation and forced labor.

“Because there are facilities that contribute to the incidence of exploitation. Without wanting to generalize, there are structures that even act as accomplices in exploitative systems, particularly in terms of labor exploitation” (FG02, Rome, 22.06.2021, 39).

“I feel compelled to say that it would be good if initial reception didn't become a tool for exploitation. Unfortunately, I see that many organizations dealing with initial reception work very well and don't have that perspective, but unfortunately, many others do it solely for profit. In those cases, you can see organizations handling initial reception acting as specific intermediaries. They have contacts with companies that need low-cost labor through internships, and the reception managers provide them with that labor. They even internally select individuals and sign agreements with specific companies” (FG05, Rome, 23.06.2021, 62-63).

According to one respondent, profit-oriented reception entities act as intermediaries, arranging informal agreements and supplying migrants for low-paid, sometimes exploitative labor. They connect companies seeking cheap labor with migrants in reception centers. The informal internal process of selecting migrants for work poses a particular threat in the context of forced labor (FG03).

"Now, the owners of these facilities, perhaps with good intentions of helping migrants who aim to accumulate whatever little funds they can to send back to their home countries, may inadvertently introduce a system of exploitation that evolves. This evolution transitions from

being emergency-based to becoming a latent system, which requires time to change. Migrants often express their concerns and the need to earn money clearly to their primary contacts, the operators of these facilities. Consequently, they may dedicate less attention and time to developing the skills needed to seek qualified employment that could break the cycle of exploitation, as they have an immediate need for income" (FG03, Rome; 22.06.2021, 41).

As indicated in the focus groups, sometimes the "assistance in finding immediate employment" and indirect contribution to forced labor do not stem from malicious intentions of the staff in reception centers (FG02). According to one respondent, migrants often inform the staff of the hosting facilities (often the only individuals they know in the host countries) about their urgent need for income. Unintentionally, staff or managers may direct them to places that expose them to exploitation. This is compounded by a lack of awareness-building and information dissemination regarding patterns of exploitation (FG03). Respondents believe that this exacerbates the need for immediate income, causing migrants to sacrifice their safety and the acquisition of skills necessary for better employment opportunities in the future (FG01, FG03).

Participants also highlight the importance of the competencies and sensitivities of operators in reception centers (FG03, FG04, FG06). In one focus group, criticism was directed at the broad interpretation of the role of a "social worker" in reception units. There is a noted absence of specialized staff, such as educators (whose absence is most common), psychologists, or nurses, and even Italian language teachers as a foreign language (less frequently). Additionally, the perception of the essence of forced labor among staff is important (FG03, FG05).

“For an anti-trafficking operator, it is very clear to identify... whether it is sexual, forced labor, or any other form of exploitation. However, not all operators are aware of this. In some sense, this can make them complicit in being unaware of the forced prostitution, or the specific path leading to exploitation (FG02, Rome; 22.06.2021, 43).

In one of the focus groups, it was highlighted that the utilization of reception structures and intermediation in exploitation (even if unintentional) also extends to internships for migrants. Discussions raised the issue of the normalization of internships, replacing other forms of employment. Very often, this form of entry into the labor market is presented as a reward for "good behavior" (FG05). For example, completing an Italian language course may serve as such a reward. An example was provided in the discussions of internships in Chinese restaurants, which involve work exceeding hourly limits, low wages, and lack of a contract.

“They work rather as waiters, dishwashers. This is a structured thing, that, in my opinion, is pure exploitation. Because there is no contractual perspective, and these individuals work an incredible number of hours, performing tasks that are not... And maybe

the reception center presents it to the beneficiary as a reward for being compliant because they have attended an Italian course... "Since you've been good, I'll arrange an internship for you at a Chinese restaurant, where they work crazy hours, they will never give you a contract - you'll receive 300 euros per month for part-time, 600 if full-time" (FG05, Rome, 23.06.2021, 63-66).

Only in one focus group (FG02) was the initial reception stage considered neutral in the context of forced labor. This aligns with previous findings that also emphasized the neutrality of some other system components. Nevertheless, the arguments of participants in this group align with previously identified categories regarding exposure to forced labor and protection from it. Issues such as the creation of large structures solely for profit and the limitation of services provided were raised. As one respondent noted regarding the initial reception: "at that point, we are not yet dealing with the world of work." However, according to participants, this stage can still equip individuals with tools for later job seeking (FG02).

Residing for a long time in the first reception

Through the analysis of focus group discussions, we gain a deeper understanding of the challenges and consequences associated with prolonged stays in initial reception centers. According to participants, the length of stay plays a significant role in the experiences of asylum seekers and refugees (FG02, FG03, FG04, FG06, FG07). The issue of time primarily concerns CAS facilities. Extended stays not only hinder integration but also increase vulnerability to exploitation. According to respondents, the problem is partially linked to the need for immediate income and remittance to families remaining in countries of origin (FG06, FG07).

"Keeping young people in reception for a long time, without permission, in short, without the possibility of working, becomes difficult. Because everyone has their family in the country of origin. So... well. They have to send money home. And this leads to labor exploitation" (FG06, Rome, 8.12.2022, 20).

Excessive time spent in reception centers increases the risk of resorting to alternative pathways, offering "shortcuts." These proposals may come from other migrants who have been in the country longer. They include advice from lawyers aimed at shortening the waiting period (often preying on foreigners) or offers of employment in the informal sector. If the reception process lasts too long, migrants leave the centers, often ending up in marginalized, informal settlements. They engage in informal work, moving further away from the integration process and closer to forced labor. Respondents' observations underscore the importance of striking a balance between adequate preparation for integration and avoiding prolonged periods of uncertainty and inactivity.

“They become disillusioned because, very often, they expect short waiting periods, compared to the reality, which is unfortunately much longer. Haven't we expressed this in every possible way? They encounter relatives, friends, or even acquaintances from their journey, and they believe the process will be much shorter, as they perceive it. Perhaps they advise them to hire lawyers who are not actually capable, or worse, exploit these young individuals. They encounter these moments, these shortcuts along their journey, which lead them to deviate from the reception process and become lost in ghettos and informal work, etc.” (FG06, Rome, 8.12.2022, 101)

The research participants point to the lack of adaptation of the length of stay to the changing circumstances of individuals. Gender, age, and motherhood intertwine in their statements. It happens that women entering the reception pathway are pregnant. Their situation changes with motherhood when they are already in centers with their children. Just as the needs of migrant children evolve as they grow. It is also pointed out that when children appear, the consequences of exploitation can also affect them. They are witnesses and indirect victims of their parents' struggles (FG07).

On the other hand, according to respondents, men are sometimes considered by asylum system workers (prematurely) as less susceptible to threats, making it easier to conclude their integration processes and deprive them of access to reception programs (FG07, FG02).

“Reception fails to respect the different stages that women may experience. They may arrive as single individuals and later become mothers. Therefore, within reception centers, they live both as singles and as mothers with children. The children also reside and grow up there, which entails a series of consequences. Here, within this environment, exploitation also impacts the children, as they witness their mothers' experiences. Regarding the male perspective, reception centers offer little protection for men. Unlike women, their cases are easier to close, and they are often sent away hastily” (FG07, Rome, 8.12.2022, 61).

From the statements, it is evident that regardless of changes in personal circumstances, the reception conditions and the extent of support remain largely unchanged. Respondents perceive this lack of adaptability in reception as a factor that increases the risk of forced labor and exploitation. In one focus group, it was noted that a longer stay in the reception center may have its positive aspects. It provides opportunities to organize future actions and acquire necessary tools for integration, including language learning, better recognition of one's own competencies, and adaptation to the job market.

References to "new life" and "new land" allude to migrants' transformative experiences and the importance of adequate preparation for life in the host society. However, prolonged reception (if at all) should primarily concern the second level of reception.

“Italy, in my opinion - before Salvini - somehow fueled a system and a pathway that... certainly can always be improved and perfected, but it allows individuals to have a considerable amount of time (yes, perhaps too long), to think about their new life in a new land and to prepare themselves with all the tools for integration: language proficiency, knowledge of the job market, and their skills” (FG06, Rome, 8.12.2022,63-64).

5.3.1. Protecting through asylum procedures

Establishing small first reception centers

“What we need are small centers [laughter], which are completely contrary to the trend that Italian laws are continuing to establish. In a small reception center, individuals can receive support and dangerous situations can be monitored and addressed. A range of services, such as psychological support and specialized medical services during the initial reception phase, can significantly reduce both the incidence of exploitation and a whole host of problems both during and after” (FG07, Rome, 8.12. 2022, 55).

In comparison to larger facilities accommodating thousands of people, smaller centers enable better monitoring and supervision, which can hinder the actions of perpetrators within the system. Small structures also allow for more accurate assessment of situations, identification, and "extraction" of (potential) victims and perpetrators. An example arises of experimental small CAS centers housing around 10-15 people. The small size of the center facilitated the identification of a "madame" among the migrant women staying there. She was immediately removed from the system and expelled from the center (FG02, FG04).

According to respondents, cooperation between small structures and anti-trafficking networks is also crucial. In profit-oriented massive facilities, this cooperation is hindered, and direct and effective contact with anti-trafficking networks is often lacking. Small structures increase the chances for anti-trafficking networks to effectively carry out their activities.

“Indeed, when you have a structure that accommodates 10-15 people, you probably know who those individuals are. However, if there is a structure that accommodates 1000-2000 people, absolutely not. In fact, the issue with experimental CAS was this - based on our experience, we had a situation where we discovered that one of the girls inside was actually a madam. But she was immediately isolated, it lasted two weeks, and then she was kicked out. So, it is clear that with large numbers, it becomes extremely complicated” (FG04, Rome, 22.06.2021, 86-86).

Respondents pointed out that managers of reception centers also require staff with previous experience in working with foreigners and particularly vulnerable populations. In small centers, it is easier to achieve this goal. Consequently, potential benefits include a more individualized approach and greater awareness in facilitating safe integration.

“Furthermore, I see that the reception system works well when small cooperatives that have previously worked with foreigners are involved. For example, where there is a restaurant, hotel, or farm stay that becomes a CAS... Obviously, it requires a bit more effort because there is less awareness and less attention is given to the individual in terms of the project and the person” (FG04, Rome, 22.06.2021, 56).

Informing and educating

“Where it works, you can increase awareness and increase information flow, and this means that it definitely reduces the risks of exploitation” (FG02, Rome, 21.06.2021, 64)

The identified need for communication and informing during the intake phase was also confirmed during the initial reception phase. The protective potential lies in providing information about rights and their risks – including patterns of human trafficking and forced labor. In informing about the risk of exploitation, the role of appropriately selected and trained personnel working in reception centers is crucial.

“Sometimes, when they arrive, the role that companions can play in the initial reception is essential. They act as a deterrent in deciding whether or not to contact the ‘madame’. ‘Many women have told me not to do it because they would exploit me’. However, this also doesn't depend on decency but on who you encounter” (FG03, Rome, 22.06.2021, 82)

“Providing moments of information for people who enter first reception centers about their rights and responsibilities is essential. In [region T] we implemented a project, focusing not only on legal and illegal matters but also on promoting healthcare prevention, in broad terms. So, it covered a wide range of topics. (FG07, Rome, 8.12.2022, 68).

Informational meetings should serve to build awareness regarding the functioning of the labor market and available rights. They may also cover the scope of "what is legal and what is illegal" in the host country (FG07, 68). In some regions, comprehensive projects have emerged, focusing not only on legal awareness but also on health prevention, for example. Engaging informational sessions (also in collaboration with anti-trafficking networks) enable migrants to make informed decisions and strengthen their agency. As a result, they may reduce the risk of exploitation.

Some of the statements emphasize the importance of education in reducing the phenomenon of exploitation among asylum seekers (ARs). Language courses are considered particularly significant as a preventive measure. According to the respondents, by acquiring these skills, individuals can improve their communication abilities, engage with the local community, and safely access the opportunities and services offered.

“But here, there is also a chance for strengthening language teaching, but as an obligation [laughs] for a prolonged period. In the first reception, and then yes - a constant, strong service. Strengthened orientation for access to employment. Maybe even through the training of formal and informal skills” (FG01, Rome, 22.04.2021, 43).

Respondents also mentioned educational programs focusing on both formal and informal (including soft) skills. Initiatives could involve assessing competencies and potentials and matching them with appropriate career opportunities. Focusing on the future and employment can positively impact integration and prospects for legal employment.

“In the initial reception, the first thing to do is to learn Italian, to take training courses related to their reception process...So, in the end, often, when we welcome them, we try to make them understand how the system works, right? The employment system, the Italian system [...] I do think, therefore, that it is essential, if we want to reduce the problem, not only to carry out an initial formal identification in order to sort out people and their needs but also to provide a realistic pathway with tight deadlines and tools that also promote some interaction with locals. These could be language courses and opportunities for leisure activities” (FG06, Rome, 8.12.2022, 91)

5.4. Second reception

5.4.1. Protecting through asylum procedures

Balancing between centralizing and localizing the reception system

“In the SPRAR/SAI system, we never encounter numerically high instances of HT. We have highly controlled and well-managed situations, etc. Within this framework, there is a path of integration, including a literacy course, which changes everything, right? Therefore, risks are clearly reduced, but it doesn't mean that they are completely eliminated” (FG04, Rome, 22.06.2021, 89).

Participants in the study pointed out the differences in the second reception phase compared to the initial intake phase. All participants unanimously acknowledged that the second reception system is the strongest aspect of international protection in Italy (7/7 FGs). It also demonstrates the greatest potential in combating forced labor among asylum seekers (if utilized effectively). It offers controlled and well-managed projects based on intersectoral cooperation (including collaboration between the public and private sectors). The importance of integration processes, including language courses and education, as well as informational sessions to increase migrants' awareness, is emphasized in the statements.

In addition to effective collaboration, the system's greatest strength lies in its universality and centralized procedures, supported by local activities. This means that regional Third Sector organizations participate in the implementation of formal, centralized programs, with the involvement of public institutions. “So, this is a great feature because it means that if someone enters an SPRAR in Palermo or in Bolzano, they undergo a more equal and standardized process” (FG04, Rome, 22.06.2021, 19).

“The true strength of the system lies in its national-level approach. It is spread out and has the same areas of competence and capacity throughout the national territory. We are also talking about the SPRAR/SIPROIMI/SAI system, which is different from the extraordinary reception system (such as CAS). But the SPRAR system has great strength in its territorial distribution in Italy, which is the same everywhere to the point that you can find a place within any SPRAR center and still encounter a centralized system (rather than a local one) (FG04, Rome, 22.06.2021, 18).

A comprehensive and systemic response to immigrant integration facilitates service provision. Respondents believe it also strengthens networks, ensuring greater access to rights for migrants. Participants highlighted the quality of cooperation between second reception centers and anti-trafficking networks. Although not formally required by SAI, it is becoming increasingly common. Respondents deemed it

essential for the safety of ARs, providing opportunities for prevention and identification of potential cases of forced labor among migrants, towards the end of formal reception.

“With SAI, our anti-trafficking project manages to establish agreements because there is a central agreement, there are organizations that want to exchange and collaborate, so we have made first meetings, and first networks. Now the discussion is about trying it with other provinces, next year. There is a stronger agreement, for sure here” (FG03, Rome, 22.06.2021, 92).

In FGs, it was indicated that strengthening institutional networks also contributes to building migrants' trust in local organizations. As respondents note, the majority of second reception center managers are public structures managed by the Third Sector. In their view, this expands the resource of support places for migrants. It also does not leave them without reference points after leaving the centers, which is the biggest challenge of the asylum system.

“In the second phase of reception, as the process progresses, accompanying individuals and gathering their history and life stories facilitates a better understanding of who they are and how to proceed with their case. It is hoped that individuals will rely on associations within the network across various regions, rather than on existing criminal structures in the area. For instance, Nigerian women often gather in their places of worship, where certain preachers may lead them to the madams who exploit them and coerce them into street prostitution. Therefore, the aim is to make them aware of institutional networks that can support them, thus eliminating the need to turn to their compatriots who may exploit their vulnerability due to their longer presence in the area” (FG03, Rome, 22.06.2021, 93).

Facilitating access and integration into the labor market

Discussing the second level of reception revealed the issue of access to employment. The issue of vocational integration was noticeable in the discussion on the actions that can reduce the problem of forced labor among asylum seekers.

“There is a significant effort in creating opportunities, starting from language and skills, creating a skills-based CV, providing information on different ways of accessing the job market, and identifying job opportunities for increased employment. Creating possibilities and working on this aspect is crucial. In other words, the focus is on work. There is nothing else but - work. Undoubtedly, recovery, addressing mental well-being, and language are important. However, the main theme is definitely work and access to employment” (F905).

Respondents unanimously agreed that integration processes (focused on access to employment) play a significant role in providing alternatives to forced labor (FG05, FG06). Participants emphasized the importance of policies strengthening individuals and providing training in specific skills (FG02). The second reception should also provide knowledge about the labor market and its principles. It should include specialized training, such as CV preparation (FG06, FG07). This is also a moment that should enable the acquisition of skills sought after in the job market (FG03, FG04).

“Perhaps, when talking about the first reception, we are referring to the informative aspect, and when discussing the second reception, we mean language, services, and job placement. We are also talking about specific projects to establish contact with companies, creating a company brand, right? There are many projects like that, even in the third sector, they were coordinated with the second reception” (FG05, Rome, 23.06.2021, 82).

In two of the focus groups (FG05, FG07), participants mentioned the need for (and existing) specific projects aimed at establishing contact between private companies and the asylum seeker community. Collaboration between the asylum system and anti-trafficking networks with businesses can enhance the effectiveness of asylum seekers' vocational integration. According to respondents, efforts should be made to raise awareness among entrepreneurs about the benefits of this collaboration for their brand and branding. Participants also highlighted the broader context of exploitation and forced labor. According to them, this phenomenon is embedded in much deeper structures than just those related to immigration. Systemic changes covering the entire Italian labor market are necessary (FG05, FG07).

“However, despite this, it would certainly be more common to seek... greater resources to enter the job market. Perhaps this would partially decrease the phenomena. But I think that working on alternatives and countering the phenomenon from a systemic policy perspective plays a significant role” (FG05, Rome, 23.06.2021, 84)

Building professional autonomy for migrants also entails integration (and interaction) within the local community. Therefore, according to respondents, actions involving the citizens of the community should be incorporated into the functioning of the second level of reception. For example, through joint activities or visits by residents to migrant centers. This will help avoid isolation from the local community.

“The second reception is needed to activate processes of autonomy in terms of employment and social integration. It should establish contact with the local

community and provide strong support. This way, individuals can build the prerequisites during the second reception phase to integrate autonomously. It is evident that this significantly reduces the possibility of falling into exploitative situations” (FG07, Rome, 8.12.2022, 71-71)

5.4.2. Exposing through asylum procedures

Situating SPRAR/SIPROIMI/SAI centres in a territorial context

Data from focus groups suggests that the geographical context, or the territories where second reception centers are established, plays a significant role in determining risk. Participants pointed out that areas with limited economic opportunities, such as smaller towns in Calabria or the poorer parts of Lazio (e.g., the Latina region), may hinder access to regular employment. According to respondents, this may result in increased risk of low-paid work or forced labor. Participants indicate that northern regions of Italy, with active economies and numerous small factories, offer better opportunities for regular employment and integration into the labor market. However, some of them also noted that the phenomenon of forced labor is not absent in Northern Italy. Several respondents mentioned that cases of "caporalato" or forced labor are increasingly being recorded in the "wealthy regions of Italy” (FG02, FG03, FG04, FG06).

“It greatly depends on the territorial context. For example, in Calabria, where the territorial context doesn't offer much, it is very difficult to enter the productive fabric outside of underpaid areas, not to mention exploitation, but rather underpaid work. In a situation in northern Italy and the northeast, where there are many small factories and active economies, there is definitely a greater possibility of integrating a person into regular circuits” (FG02, Rome, 21.06.2021, 68).

“We have experience with SIPROIMI in the poor area of [X]. Often, people with us manage to have renewed contracts beyond what the law allows. In the second reception, concerning the network of trafficking victims, we try to help them achieve a minimum level of functional autonomy. However, the problem is that they often seek jobs that are not suitable for them because it is the only work available at the moment. There is a bit of giving up on their own expectations. It should be noted that in the trafficking circuit, 90% of the received individuals are Nigerian, while on the streets, we encounter 22-23 different communities and nationalities” (FG03, Rome, 21.06.2021, 79).

Participants linked structural conditions to specific regions of Italy, recognizing their differences and diversity. Attention is drawn to the importance of the region and the socio-economic challenges faced

by local communities. This includes limited employment opportunities and the normalization of exploitation (widespread acceptance of labor rights violations). Discussants, suggesting the ubiquity of the phenomenon, describe informal work and exploitation as a "plague" affecting entire communities (FG02, FG03, FG04).

"I would say that even from a personal work perspective or in general, unregulated work is a plague that affects many people, and the majority of workers encounter difficulties. Therefore, it becomes almost an accepted condition in certain cases, areas, and in certain work environments" (FG03, Rome, 22.06.2021, 53)

Participants in 5 focus groups pointed out that it is not possible to consider a particular region without also considering those more vulnerable to the presence of organized crime, of a mafia nature. The potential for organized crime in a given territory encompasses 19 data segments (FG01, FG03, FG04, FG05, FG06).

"But it is also clear that these phenomena of exploitation arise in territories, well... The causes must also be identified, for example, how the large institutions are structured and all these discussions. But also, as we say, the deep-seated issues of the territories. Where the dynamics come from... The weaknesses of the institutions, the widespread illegality, with very strong criminal networks" (FG05, Rome, 23.06.2021, 31).

Encountering housing difficulties

Encountering housing difficulties goes beyond economic factors, according to respondents. Cultural barriers and discrimination (particularly against certain nationalities, mainly Africans) emerge in the discussions. Nigerians and migrants from Sub-Saharan Africa are among those mentioned. Limited access to housing and a lack of support policies in this area pose serious challenges for asylum seekers. As noticed by participants, this especially affects those who leave second reception centers to become independent (FG03, FG04, FG05).

"On the one hand, the SPRAR (Protection System for Asylum Seekers and Refugees) provides very good guarantees in this regard. We can pay up to 6 months of rent where there are regular contracts. It is indeed a good guarantee - we pay for the first 6 months. But then there are also other issues like racism and problems that arise" (FG02, Rome, 21.06.2021, 71).

“Once they leave the reception center, many people have little linguistic knowledge and limited information about their protection status, whether they have it or not. They lack awareness of how the country functions and how to access employment. Then, in a city where rents are very expensive, even in less desirable areas, the chances of accessing housing become scarce. It is not just an economic issue. Often, it is also a cultural one. Renting a house becomes challenging, right? If a person comes from Burkina Faso and has subsidiary protection or a residence permit but works in precarious employment, who will rent a house to them, right?” (FG05, Rome, 23.06.2021, 92-93).

According to the respondents, the problem lies in high rental costs, even in less attractive neighborhoods, coupled with limited financial resources of asylum seekers (ARs). Cultural differences and prejudices from the local community exacerbate the issue. Reluctance is further heightened by the precarious employment situation of foreigners (FG04, FG05).

FGs also pointed out the frequent indignities in the living conditions of foreigners. These individuals reside in marginalized and overcrowded areas. As participants observed, even in informal "tent cities" primarily inhabited by migrants, these individuals are forced to pay high prices for shared accommodations with several (or even dozens of) other people. Respondents emphasize that these places often fail to meet sanitation standards and do not provide basic conditions of human dignity (FG02, FG04, FG06).

“There are males who use male dormitories or sleep on the streets. Or they try hard to return to the border and to their place of origin. For pregnant women, there are also some dormitories because they are with children and cannot stay on the streets. However, there is a big closure and a... These are numbers that are difficult to predict. We cannot keep opening and opening structures for the people who need to arrive” (FG06, Rome, 8.12.2022, 37).

“Finding employment for so many people, more or less within our territory, they manage to do it. The problem, however, lies in housing. There are hardly any structures outside the International Protection System that accommodate people, especially males. Among the few dormitories we have in our association, there is a male dormitory with 90 beds. We often come across people, around 20 of them, who have a job, even a stable job with a good salary, but they can't find a place to sleep, a room, or a dormitory. We also have other people who are somewhat "forced" to accept a bed offered by the

employer, perhaps in a hotel affiliated with the company (FG06, Rome, 8.12.2022, 102-103).

Furthermore, as indicated by respondents, "The problem is not the second reception, but leaving it" (FG06, 102). Upon leaving (and sometimes during) the second reception, migrants are confronted with systemic, limited availability of housing. As highlighted by participants, this situation also affects migrants who have found more or less stable and legal employment. Importantly, the lack of these options may compel migrants to accept lodging provided by their employers. This could exacerbate the risk of exploitation and draw migrants closer to forced labor.

“We see that some of our girls, after completing their entire journey with us, later, when they manage to have a home, leave after a project, after a couple of years, and then they apply for entry (with an asylum request) to SIPROIMI/SAI. It seems that it's mostly for the opportunity to have support and a roof over their heads” (FG02, Rome, 21.06.2021, 72).

One of the participants emphasized good practices in which the second reception could play a significant role. It could be beneficial to establish agreements between the second reception and property owners or create a formal network of landlords who collaborate with the asylum system (FG06).

5.5. Intersection of asylum procedures in the context of forced labor

5.5.1. Exposing through asylum procedures

Lack of available legal ways to access and stay in the territory

Utilizing grounded theory allowed us to capture additional elements that, according to participants pertain to the situation of asylum seekers throughout all asylum procedures. I present them here because they do not concern a specific stage of the asylum process but rather its functioning in a broader sense.

According to respondents, the international protection system has replaced any other means of regular arrival in Europe and Italy, as well as staying in the country. In the opinion of the respondents, this is the weakest aspect of the system, which was created "for the right reasons" but has lost the ability to adapt to current migration trends (FG01, FG03, FG04, FG07).

“However, a true weakness (but this is a systemic element) is that the international protection system has replaced any type of regularization in this country. And it is a huge problem because it is not possible for a noble system, because it is a system of great nobility, like the international protection system. It is a system that originated in a very remote era with a very specific idea of protecting those who were fleeing their own country. They were persecuted for various reasons or fleeing a war or facing gender-based persecution, and so on. All those forms of international protection that in Italy have been replaced, now anyone who enters the country makes a request for international protection, and it is the only way to somehow enter the country” (FG04, Rome, 22.06.2021, 22).

“Clearly, we are once again facing the self-use of this type of protection request because there are no other options. If we then consider the world of work, the world of labor exploitation, especially in agriculture. Once, there were work quotas through which people could be included and obtain a residence permit for work, both in agriculture and other sectors. But the quotas no longer exist. Therefore, this is also the only way for someone to enter the country, by applying for asylum. In the meantime, they fall into the hands of an exploiter, a vast network of criminals, those pieces of *** who exploit others. And they are extremely skilled at precisely exploiting this vulnerability (FG04, Rome, 22.06.2021, 35)

Respondents pointed out that the lack of legal pathways to reach Italy partly stems from changes in immigration policy (FG01, FG04). According to them, we are facing a situation where the only form of legalizing residence is by applying for asylum. Some of the respondents during the discussion used the term "mixed migration" (FG04, FG07). In their view, these have burdened not only the asylum system but also the efforts of anti-trafficking networks.

“In Italy, a significant political mistake was made by closing the legal pathway, the work pathway, leaving only this one here. This has created a bottleneck that leads to exploitation and injustice, especially in the context of the "mixed migration". Because among the people who have a genuine right to seek international protection due to personal or collective situations of great suffering, gender issues, political issues, wars, etc., there are also those who are simply trying to improve their existence. These are two separate paths that, unfortunately, must remain distinct. Otherwise, if we introduce a principle that even economic migration is a request for international protection, which is fine by me, then the numbers become something else” (FG04)

Participants discussed the need for legal pathways to employment for foreigners, separate from the asylum system. This would allow for the appropriate treatment of individuals with different motivations and needs. They perceive the asylum system as overloaded and lacking adequate tools to deal with the "complexity of mixed migration" (FG06, 23.06.2021, p. 19).

“In times when a large number of people arrive, the only instrument to regularize their stay in Italy is to apply for asylum, and that creates enormous problems, right? Moreover, all of this is formulated for a certain target group of people, sometimes a target that is quite different” (FG05, Rome, 23.06.2021, 12).

‘Forced’ intersection of anti-trafficking system and international protection system

One of the indirect consequences, as indicated by participants in 4 focus groups, was the merging of two systems (FG01, FG02, FG04, FG07). Forced interaction occurred due to increased migration pressure, lack of legal pathways to Italy, and the growing number of victims among asylum seekers (ARs).

Respondents stated that "until 2016 we didn't know what the international protection system was". They point to the year 2016 (or the turn of 2015/2016), characterized by a significant increase in asylum applications, particularly from Nigerians (this trend also continued in 2017). The percentage of individuals seeking asylum within the anti-trafficking system, they said, increased from 2% to approximately 60% (FG04).

“Suddenly, the anti-trafficking system is fundamentally different. First, holders of international protection were very few, and they were precisely exceptional situations. We have transitioned from a situation where particularly among people who benefit from social protection programs, there were very few (no international protection) and 2% (just a random number) were asylum seekers, to a situation where now we are at 60%, right? And regarding this, there was the fact that 2015/2016 were the years of mass arrivals of Nigerian women, let’s say 22 thousand Nigerian women who landed on the Mediterranean coast and created a great impact. Famous mixed flows within the international protection system, which were then put into crisis” (FG04, Rome, 22.06.2021, 16).

Participants highlighted the similarities and challenges arising from the need for cooperation. Initially, significant changes occurred in the anti-trafficking system. The anti-trafficking system was not familiar with asylum and its procedures (FG01, FG04).

Novelties included referral procedures, or the work of territorial commissions responsible for recognizing international protection status (FG02, FG04). Understanding refugee/asylum status was traditional, focused on cases of fleeing dictatorship, persecution, or war. "Asylum was associated with Iraq, or the well-remembered collapse of Yugoslavia" (FG04, Rome, 22.06.2021, 13).

5.5.2. Protecting through asylum procedures

Collaboration of two systems

All participants in the 7 focus groups also highlighted the strengths resulting from the interaction of these systems. "The asylum process is like a chain. Each link is connected to another, and each one is crucial for the next step. We understand it now." (FG07, Rome, 8.12.2022, 46).

Among the strongest aspects, participants pointed out the knowledge of the referral system and the greater awareness of migration and asylum trends among system operators, as well as the trends of exploitation accompanying ARs (FG06, FG04, FG07). Collaboration within the referral system for the early and adequate identification of HT victims among ARs is, as participants indicated, "a challenging but valuable lesson" (FG01, 57). However, all participants considered the presence of network representatives in some of the Territorial Commissions to be the most important (6/7 FGs).

“This results in a personalized intervention with its own characteristics. However, the network discourse is fundamental. This is a word that is often used in Italy [the network], but we realize that the discourse of the network is really fundamental. If there were no connection between social services and, let's say, the prefecture, police

headquarters, all actors in the TCs - there would be a huge disorientation. As there was, and still sometimes is. But in countries where this has yet to happen, as a model it could be a good practice. You know, as in some Italian regions, for example. Where this is being implemented and where the fruits are beginning to be seen” (FG06, Rome, 8.12.2022, 106)

Respondents also noted the usefulness of establishing cooperation between reception centers and the anti-HTT network (FG04, FG06, FG07). According to some respondents, this facilitated the development of a multi-agency system, which in some cases provides a much greater chance of protection against human trafficking and forced labor.

“Multi-agency, especially therefore collaboration of various actors, some from a protection perspective, some from a contrast perspective, others from an integration perspective, is the only possible formula to reduce the incidence. And that is what we have learned. Let’s be very clear – this” (FG04, Rome, 22.06.2021, 56).

"It would have been nice to start at the beginning. It was all about the network relationship, with private, public, and social entities. Implementing it in a much better way, in short. And all the issues regarding the Network and all the actors who then intervene in this. Starting from this basis, I think it might be a good start" (FG07, Rome, 8.12.2022, 95).

5.6. Conclusion

In this chapter, the empirical findings delineate a nuanced understanding of the asylum process's dual capacity to both safeguard against and precipitate the risk of forced labor among asylum seekers and refugees in Italy. The analysis of 7 focus groups conducted with representatives of the anti-human trafficking network in Italy has allowed for the identification of factors oscillating around two categories: factors protecting against forced labor through asylum procedures, and factors of asylum procedures that expose asylum seekers and refugees (ARs) to forced labour.

In the process of access to procedures and registration, regarding protective factors, emphasis was placed on the quality of interactions with staff, including cultural mediators, the importance of training, and sensitizing asylum system workers to the identification of human trafficking indicators. On the other hand, this stage is also characterized by weak points, mainly resulting from procedural imperfections of rushed and superficial registration processes. Often, as indicated, they stem from overloaded systems of frontline states like Italy. Such shortcomings threaten the accuracy of the data of asylum seekers, thereby making it difficult for them to access protection measures tailored to their needs and making them vulnerable to exploitation. This dichotomy highlights the essential role of systematic and accurate registration procedures

in protecting the rights and well-being of asylum seekers, particularly concerning their implications in practice.

In the identification processes, the importance of cooperation between various stakeholders within the asylum system, particularly between Territorial Commissions and entities dealing with human trafficking, was emphasized. The establishment of a cooperation protocol and the presence of the anti-trafficking network during the commission's work exemplify an organized approach to improving the identification and protection of potential victims. However, the application of the Dublin III Regulation reveals structural challenges that increase vulnerability to threats.

The first reception stage has been marked by challenges that can increase the risk of forced labor. Among the identified factors, respondents pointed to the size and management of reception facilities. At the same time, respondents mentioned the procedural time and extended stays in first reception centers, which were supposed to be only emergency solutions. At this stage, the persisting precarity and limbo accompanying ARs in temporary centers and the uncertainty of socio-legal status were frequently identified.

In response to some of these challenges, the second reception in Italy, positively evaluated by respondents, stands out. This phase, crucial for the integration and stabilization of asylum seekers and refugees in Italy, is characterized by the transition from immediate, temporary shelter to long-term accommodation and integration measures.

Protective factors are notably enhanced through tailored support services that meet the diverse needs and backgrounds of asylum seekers and refugees. On the other hand, exposing factors during the second reception are closely linked to the availability and quality of such integration measures. However, attention was primarily drawn to the stage after leaving the second reception, marked by structural challenges, such as difficulties in finding housing.

Finally, the empirical evidence highlighted by respondents underscores the issue of the lack of safe and legal migration pathways for accessing and staying in Italy. This shortfall has not only prompted a transformation within both the international protection and anti-human trafficking systems but has also exacerbated the cycle of vulnerability for ARs to risks of forced labor and exploitation. In the ensuing chapter, which discuss and delves into the empirical evidence, I analyze the factors identified by respondents within the framework of structural injustice theories.

6. Discussion

In this chapter, I synthesize the findings from exploratory research examining the interplay between forced labor and asylum procedures in Italy. I discuss the implications for the central research questions: what is the relationship between asylum procedures and forced labor among asylum seekers and refugees in Italy, and to what extent can these procedures mitigate or exacerbate the issue?

My results indicate that asylum procedures can both decrease and exacerbate the issue of forced labor among ARs. I categorize the findings into two groups: elements of asylum procedures that expose ARs to forced labor and components that protect them. I begin by summarizing and contextualizing the findings related to the first group.

Additionally, I aim to analyze how the theory of structural injustice applies in the context of asylum procedures and forced labor. My goal here is not an in-depth analysis of SI theory. Instead, I seek to initiate a discussion on whether the relationship between asylum procedures and forced labor can be understood through this theoretical framework. This approach provides a foundation for future scholarly exploration. Leveraging insights from SI theory and my research findings, I explore elements of asylum procedures that could potentially mitigate forced labor among ARs.

6.1. Alignment of secondary and empirical data on asylum procedures

The concept of "protection" associated with asylum involves both the ability to seek refuge and the entitlement to enjoy asylum within the host country (Oudejans, 2014; Osso, 2023). In this context, 'asylum' refers to both 'protection' and the 'place' where protection is provided (Osso, 2023; Edwards, 2005). While the Asylum Procedures Directive has well-defined objectives to ensure fair, effective, and protective asylum procedures, its implementation faces numerous challenges in Italian practice.

In Chapter 4, I highlighted that these challenges often undermine the effectiveness of asylum procedures in safeguarding the rights and protection of ARs in Italy. Considering the four main stages designated in this dissertation - access to procedures and registration, identification processes, and two levels of reception - the significant obstacles include prolonged procedural processes, extended waiting periods, and a lack of access to information and legal assistance. The reception system is often plagued by difficult conditions, such as prolonged stays in centers, overcrowding, and a lack of access to basic services, which are perceived as crisis responses and temporary measures rather than lasting solutions. The focus is predominantly on large centers rather than smaller, second-level reception facilities, which represent a positive aspect of the system. Despite these challenges, European asylum policies, as applied in Italy, have created a restrictive framework with limited legal avenues for entering the country, making the

asylum system the sole legitimate pathway. This enforcement has led to a convergence of the anti-human trafficking and asylum systems, indirectly affecting the efficacy of both.

The qualitative evidence underscores a significant relationship between asylum procedures and the forced labor of ARs. Respondents emphasized the crucial role of each phase of the asylum procedures in either addressing or exacerbating the issue of forced labor. The thematic analysis revealed key clusters that aggravate the problem, including the length of procedures, lack of access to information, Dublin regulations, and conditions within the reception system. Furthermore, the human factor significantly impacts procedural implementation. The data also indicate a lack of accessible legal migration routes to Italy, a burden on frontline states, and a strain on both the asylum and anti-trafficking systems.

6.1.1. The length of the asylum procedures can increase the problem of forced labor among ARs in Italy

The secondary and empirical data collectively highlight the impact of the length of asylum procedures on the risk of forced labor among ARs. In the systematic review, I emphasized on how conditions of precarity, increased vulnerability, and living in limbo exacerbate this risk (Canefe, 2018; Pasqualetto and Perocco 2020; Gerard, 2017; Gerard and Vecchio, 2017). Crucial in the context of precarity are the studies of Waite and Lewis (2015; 2017) and Dwyer and Hodgkinson (2015; 2017; 2020; 2021).

In adhering to the APD, practices in Italy have revealed several factors that prolong procedures. These include bureaucratic complexities, unnecessary demands for documentation, ineffective coordination among stakeholders, and inefficiencies within the Questura and commissions responsible for processing applications. This prolongation often stems from overloaded systems in frontline receiving countries, where time is a critical factor, especially in relation to prolonged detention and stays in temporary facilities like hotspots or CAS.

Empirical data indicate that both the duration of procedures and the manner in which they are conducted contribute to heightened risks of forced labor. The rush during the registration phase often leads to hasty, superficial, and inaccurate registration, which can result in ARs being allocated to inadequate reception centers. This misallocation carries risks such as minors being placed in adult facilities or victims of human trafficking being housed alongside their perpetrators, thus maintaining control over them. The failure to properly identify perpetrators and potential victims during the registration phase often results from rushed processes and inadequate tools to recognize indicators of human trafficking and special needs. Particularly in cases involving victims and perpetrators from Nigeria, criminals have exploited the rushed registration process by falsely claiming familial relations, leading to their placement in the same reception centers and facilitating further exploitation. A failure to recognize age diminishes protective measures and precludes the initiation of procedures dedicated to unaccompanied minors. Moreover, errors made in

registration applications due to haste and lack of accuracy can paradoxically prolong the process of recognizing international protection status. “This condemns asylum seekers to limbo until their international protection status is determined” FG03, Rome, 22.06.2021).

The concept of "waiting as a status," where time and the length of procedures equate to a socio-legal status of limbo, was consistently highlighted in our data. This state, as described by Ghizzi Gola (2015), often results in ARs living in 'parking-structures' within a legal limbo. Both cited studies and empirical research findings suggest that these prolonged procedures, which put lives on hold, increase the risk of forced labor. The significant delays in the first hearing with the Territorial Commission and its subsequent decisions, a phenomenon also confirmed by earlier AIDA reports (2015–2022), are often accompanied by extended stays in first-level reception centers. The overlap of these waiting periods with times of exploitation is notable, as participants in the focus groups estimated that the repayment period enforced by perpetrators and organized crime groups lasts 2-3 years, often coinciding with the duration of stay in the reception system. “Paradoxically with that system we have favored exploitation and favored that specific type of exploitation”(FG04, Rome, 22.06.2021, 33).

These findings, also corroborated by field research conducted by MEDU (2020, 2022), indicate that among the migrant workers exploited in the Piana di Gioia Tauro region and residing in informal settlements, nearly 39% were in the process of asylum procedures, 22% had received complementary protection, and another 22% were in Italy under special protection, with only 1% being refugees. The reports highlight that long procedural times, administrative and bureaucratic obstacles, and the necessity for work and income generate vulnerabilities (MEDU, 2020; MEDU, 2022). Similar conclusions about procedural length and living in limbo are echoed in reports by Save the Children, namely "Fuori Campo" (2020) and "I Piccoli Schiavi" (2021).

In 2016, Hainmueller, Hangartner, and Lawrence identified the length of asylum procedures as a political parameter affecting the integration of ARs in host states. Their research indicates that prolonged waiting for asylum decisions significantly hinders refugees' employment integration. Access to the labor market during the decision-making process alone is insufficient. However, they found that even slight reductions in wait times could ease the transition to successful integration and increase regular employment (Hainmueller et al., 2016). My research findings align to some extent with this quantitative analysis of the causal effects of waiting.

Focus group participants underscored the importance of balancing adequate preparation for integration with avoiding prolonged periods of uncertainty and inactivity. In discussions related to forced labor, concerns were raised about the failure to adjust the length of stay according to individuals' changing circumstances. For instance, pregnant women entering reception pathways may later become mothers, yet hosting facilities and procedures often fail to adapt to these changes, exacerbating women's vulnerability to exploitation. This lack of adaptability in reception and asylum procedures increases the risk of forced labor and exploitation.

The discussions on extended stays in first reception also led to debates on informal settlements. Respondents noted that prolonged stays in reception centers often prompt ARs to leave in attempts to become self-reliant, leading them to "barrack villages," "slums," "tent cities," or "container houses." The study conducted in Campobello di Mazara (Trapani) highlights the vulnerability of ARs resulting from Italian asylum and immigration policies, including challenges such as 'ghettoization' and forced labor in agriculture. It emphasizes that ARs are at risk of being forgotten in reception centers due to extensive documentation requirements, which can last from one to five years or even longer (Jinkang, 2022). "The 'agricultural ghettos' are the result of the failure of the Italian integration and protection system" (ibid., 2022). Moreover, it is not uncommon for informal settlements to adjoin large reception centers such as CAS or CARA, as seen in Puglia in the village of Borgo Mezzanone (Ciniero, 2020)²¹¹. Omizzolo (2019) asserts that the issue is not localized to a specific region of Italy but is pervasive across the country. Some studies identify the emergence and expansion of these settlements as a form of institutional racism (ibid., 2020; Cabras and Massari, 2023). Another cited reason is the deprivation of humanitarian protection for thousands of ARs, fostering conditions for irregular and 'clandestine' workplaces (Save the Children, 2020; Jinkang, 2022)²¹².

6.1.2. Communication deficits and lack of access to information during asylum procedures can increase the issue of forced labour among ARs

As highlighted in Chapter 4, the provision of clear and accessible information is crucial for ensuring transparency and fairness in the asylum process, yet significant deficiencies persist. Studies referenced earlier underline the link between prolonged asylum procedures and the absence of essential information, often leading to mistrust towards authorities and reliance on unofficial information sources among ARs (De Louvier and Innocenti, 2023; Breggia, 2017; Ruokolainen and Widén, 2019).

Analysis of empirical data reveals that the manner in which information is provided during asylum procedures plays a crucial role in either reducing or exacerbating the risk of forced labor. The quality and consistency of information dissemination are identified as "fundamental weaknesses of the asylum system" in Italy. Participants from various regions pointed out communication deficiencies concerning rights and obligations, the complexities of asylum procedures, and the international protection system, including the legal status of ARs. Additionally, there is a noted lack of information on the risks of human trafficking, forced labor, exploitation, and the workings of the Italian labor market.

²¹¹ The province of Foggia holds significant importance for Italian agricultural production, particularly in tomato cultivation, with 40% of the country's processing tomato production concentrated in this area (Ciniero, 2020).

²¹² "Some places have become a symbol of the exploitation of 'braccianti', the most vulnerable in the entire agri-food supply chain, especially those from sub-Saharan Africa, waiting for documents and with limited opportunities to find other employment. One of these places is the province of Foggia" (Romano, 2018). To delve deeper into the situation in the Foggia region and the exploitation within its agricultural sector, see the journalistic coverage of Romano (2018). Available at: <https://openmigration.org/analisi/dentro-e-fuori-dai-ghetti-la-vita-dei-braccianti-della-capitanata/>

The extent of information provided often varies significantly based on the migrants' points of entry into Italy and their journey through the asylum process. ARs arriving by sea typically receive more comprehensive briefings compared to those arriving by land, who experience a notable scarcity of information. This discrepancy highlights a systemic inconsistency in information provision.

FGs participants emphasized the importance of delivering information at multiple stages of the asylum process. This is particularly relevant given to the initial trauma and exhaustion many face, which can impede their ability to absorb critical information upon arrival. The lack of continuity in information dissemination emerges as a significant barrier to understanding legal rights and the asylum process, subsequently increasing vulnerability to forced labor.

Consistent and clear communication is essential for empowering ARs to navigate their new environment safely and with an awareness of their rights and available resources. Ullah et al. (2016) examined the role of information delivery by the Norwegian Refugee Council in refugee collective accommodations in Pakistan. Their research underscored the critical role of timely and precise information in protecting refugees from abuse and facilitating access to humanitarian aid. A significant correlation was found between the dissemination of information and enhanced protection for ARs, often with information being shared broadly, expanding protection across families and communities. This perspective is supported by FGs responses, stressing the importance of ensuring that "the migrant who sets foot on our territory has an opportunity to access information; at least one person in each group should have this chance" (FG03, Rome, 22.06.2021).

6.1.3. Challenges in Dublin Procedures exacerbating forced labor among ARs

The empirical findings highlight several issues with the implementation of the Dublin III Regulation, including the problematic repatriation of trafficking victims to their first country of entry, the risky process of returning vulnerable groups at risk of trafficking and exploitation, the strain on "frontline" countries' asylum systems, and the lack of standardized procedures for specific vulnerable groups, leading to confusion and increased risk. Additionally, respondents highlighted problems with Dubliners' access to the reception system.

The implementation of this regulation excessively burdens the asylum systems of EU countries with external borders like Italy, undermining the identification and care of those needing special attention, such as trafficking victims (Torre et al., 2020; Di Filippo, 2018). Torre et al. (2020) question the legitimacy of Dublin transfers, emphasizing the critical need for early identification of potential trafficking victims during the asylum process. As they highlight, "ensuring optimal conditions for these individuals to properly file an asylum claim and protect them from further exploitation is essential."

The empirical evidence also pointed out the lack of systematic control over the return of individuals under Dublin III procedures. Lengthy and unclear processes deter ARs. Those informally known as "Dubliners" fear the reassessment of their asylum claims in their initial entry countries. Consequently, they often choose to return on their own, seeking support from local NGOs. This choice, made outside the formal asylum system, increases their risk of exploitation, and forced labor, imposing additional burdens on local NGOs, and affecting their effectiveness in combating human trafficking.

Analysis of Italian and CJEU verdicts reveals a conflict between the regulation's objectives and the protection of applicants' rights (Di Pascale, 2021). "The Dublin system erects a conceptual wall between the asylum process and the refugee. It allocates responsibility for a process, rather than for a person" (Durieux 2013, cited in Mouzourakis, 2014). The logic of Dublin contradicts protective practices derived from legal anti-trafficking frameworks (Schlintl and Sorrentino, 2021). Trafficking survivors also face challenges related to interview timing and procedures, further highlighting the problematic nature of transfers.

Concerns regarding individual security guarantees, detention, and risk assessment have also been noted. "Time constraints and limited resources for interpretation and counseling hinder the detection of trafficking cases. Only NGOs regularly present in pre-removal facilities occasionally identify trafficking cases among Dublin procedure applicants" (ibid., 2021, p. 73). The report on secondary movements, triggered in part by Dublin procedures, underscores risks like those faced by Nigerian women returning from Germany (L'Ires Piemonte, 2024), including secondary exploitation and re-trafficking (GRETA, 2020)²¹³.

Other studies have documented the expedited return of ARs, including those who have been victims of human trafficking, to the countries responsible for processing their applications. This process risks sending individuals back to the environments where they were exploited, as noted in reports by FIZ (2023) and GRETA (2020). The Project REST (Residency Status: Strengthening the Protection of Trafficked Persons) has criticized these forced returns under the Dublin III Regulation, arguing that they contradict the long-term protection goals for trafficking victims. Such returns could lead to inhumane treatment, which is prohibited by Article 4 of the Charter of Fundamental Rights of the European Union (Valovirta, 2020).

Furthermore, the housing issue for ARs is complicated by the limited availability of accommodations within the reception system, particularly for those returned under the Dublin III Regulation. A concerning network of perpetrators, including compatriots who offer accommodation, exacerbates this vulnerability (L'Ires Piemonte, 2024). FGs data corroborate these findings, highlighting the

²¹³ These women often reached Europe, primarily Italy and, to a lesser extent, Spain, between 2015 and 2017. Their stay in Europe saw two main patterns: some resided in Italy, their first country of arrival, for various lengths of time, applying for international protection before moving to other European countries. Others merely passed through Italy, being documented by authorities. A significant number reported being victims of trafficking, experiencing sexual exploitation in Libya and/or Italy. Upon moving to Germany, the vast majority headed straight there, while some faced exploitation in other locations (L'Ires Piemonte, 2024).

complex challenges these ARs face. Additionally, the research by Torre et al. (2020) underlines that "rules on absence," such as those stipulated by the 'Salvini Decree,' significantly compromise the right to housing. According to this decree, ARs lose their accommodation rights if they are absent from their designated center for more than 72 hours. Reclaiming these rights is not only challenging but also time-consuming. Such regulations severely hinder the reintegration efforts of returned ARs and elevate their risk of trafficking and forced labor.

6.1.4. The socio-legal status accompanying asylum processes does not guarantee protection for ARs

Empirical data suggest that international protection status does not necessarily shield ARs from forced labor and exploitation. Indeed, certain forms of this status may even heighten the risk of forced labor. As one of FGs participant noted "Socio-legal status can be decisive and can determine the presence and also degree of exploitation" (FG06, Rome, 8.12.2022, 55). This observation aligns with findings by Pelek (2019), who reported that employers often exploit the precarious socio-legal status of migrants to their advantage.

According to focus group data, those most vulnerable include asylum seekers whose applications have been rejected (including those who have lodged appeals) and those awaiting decisions. This group often lacks proper documentation or holds only temporary documents with unclear status, making them highly susceptible to exploitation. This finding is consistent with the negative impacts of Dublin procedures on ARs, as confirmed by the systematic review. Furthermore, the socio-legal status of an individual dictates their access to the labor market and social services, factors that significantly influence their vulnerability to forced labor and other forms of exploitation.

Gebreyesus et al. (2018) identify political and economic exclusion stemming from temporary status as major risk factors for exploitation. This perspective is echoed in the systematic review and analysis of empirical data presented in Chapter 4, revealing an "irrelevance" of socio-legal status in guaranteeing the safety of ARs, even for those with secure legal identities (Wyss and Fischer, 2021). Numerous studies, supported by FGs findings, report severe labor exploitation among refugees who have the right to remain and legal access to work or welfare (Waite et al., 2015; Mai, 2016). It is argued that merely regularizing status does not effectively combat forced labor among migrants unless it is accompanied by improvements in basic labor rights.

Data also highlight the phenomenon of "waiting as a status," wherein individuals' socio-legal standing in the asylum process leaves them in a constant state of limbo. They find themselves waiting for various bureaucratic processes - to be summoned before the commission, for the commission's decision,

for the decision on an appeal, for information, or for clarification of procedures and their status. This status also includes waiting for permission to work or for employment opportunities themselves (FG04, FG06, FG07). Mona (2019) describes ARs as 'waiting subjects,' perceived as not yet 'ready' to settle in the host country. Prolonged procedures and waiting periods significantly increase the vulnerability and precarity of ARs, a conclusion supported by multiple studies cited in the systematic review (Waite et al., 2015; Dwyer et al., 2016; Chakraborty and Bhabha, 2021).

6.1.5. Inadequate reception system conditions can exacerbate forced labor issues among ARs in Italy

Systematic review indicate that reception systems can create vulnerabilities among ARs (Janmyr, 2016). Particularly problematic are oversized and overcrowded first-level reception centers. According to FGs participants, "As currently structured, first reception facilities do not reduce - rather, they may favor - the incidence of exploitation" (FG06, Rome, 8.12.2022, p. 91). The long-term accommodation in centers intended for temporary stays further heightens these exploitation risks, with one respondent suggesting, "If you want to do better - do not open CAS facilities" (FG04, Rome, 22.06.2021, p. 96).

Despite these issues, the Italian reception system continues to rely heavily on large first-reception centers, a reliance exacerbated by legislative changes in 2018 with the introduction of Decree Law No. 113/2018. This law reduced the availability of SPRAR (now SIPROIMI) programs and increased the use of CAS-type structures, as documented by Ambrosini and Campomori (2020) and Cuevas (2020). Acocelli (2022) argues that this shift towards CAS as standard accommodation was driven by a policy intent on deterring "bogus asylum seekers" or "fraudulent economic migrants," which has weakened the regular reception system.

Large reception centers significantly reduce the ability to identify special needs among ARs and potential victims of forced labor. Overcrowded facilities also diminish the opportunity to detect perpetrators and criminal groups controlling ARs. Research has revealed that these centers can become sites of entrenched violence and exploitation, with profit-oriented reception entities acting as intermediaries, arranging informal agreements, and supplying migrants for low-paid, sometimes exploitative labor (Fulloni and Macri, 2017). For example, the exploitation of Nigerian migrant women in Camigliatello Silano (Cosenza) was facilitated by center administrators who were complicit in falsifying documents to coerce individuals into forced labor, described as a "traditional slave trade" (Cgil and Filcams, 2022). These women were ensnared in a "cleaning slaves" (it."schiavi del pulito") system, enduring harsh cleaning jobs under contracts that failed to provide adequate protection or remuneration (ibid., 2022). Another example highlighted in gathered data was the abuse of internships for migrants, facilitated by reception units' intermediation within organizations.

Moreover, the size of these centers hampers effective education delivery, such as language learning, which is crucial for integration. The limited space and resources, combined with insufficient staffing, hinder personalized approaches to supporting ARs, further elevating their risk of exploitation. Cueves (2020) notes the dangers of outsourcing CAS management to private, profit-oriented companies, which has led to reduced service availability and quality, heightening potential exploitation and abuses.

Empirical evidence confirms that prolonged stays, often lasting months, or years in facilities designed for short-term use, lead to conditions that undermine human dignity and increase the risk of forced labor (In Migrazione, 2017; Openpolis, 2022; Openpolis, 2019). The geographical context, such as the location of second reception centers in economically disadvantaged areas, also significantly affects the risk factors experienced by migrants. Participants highlighted that limited economic opportunities in regions like Calabria or Lazio exacerbate vulnerabilities to low-paid work or forced labor. Additionally, participants highlighted the interconnectedness between regional vulnerability and the presence of organized criminal groups (OCGs), particularly those of a mafia nature. This underscores the need to consider both factors when exploring the issue of forced labor. In this context, Fontana (2021) also noted the nexus between migration policy and the increasing influence of OCGs, while examining changes in Italian migration policy from 2013 to 2017.

Based on the findings of Luca and Proietti (2022), the correlation between organized crime and the establishment of reception facilities reveals a multifaceted relationship involving migration policies, governmental practices, and criminal activities. Their research suggests that OCGs exploit opaque tendering procedures during center creation. Contrary to assumptions of mafia infiltration, an alternative scenario suggests active central government allocation of centers to areas with higher mafia presence. It is suggested that in the 1990s, the mafia presence spurred the emergence of NGOs combating criminal organizations. Some of these NGOs may have later become involved in reception activities. This dynamic is heightened by a government policy reallocating confiscated mafia-related properties for social use. According to the researchers, this could further intertwine organized crime, reception facilities, and ARs (ibid., 2022).

According to the FGs respondents, the second level of reception represents the linchpin of Italy's reception system. Nonetheless, they underscored the pivotal nature of the phase "immediately after" exit from the system, wherein endeavors toward self-sufficiency and integration are undertaken. Yet, respondents identified limited access to housing as a significant barrier in that process. Upon leaving (and sometimes during) the second reception, migrants face systemic challenges due to the limited availability of housing. According to the respondents, the problem lies in high rental costs, coupled with limited financial resources of ARs. Additionally, cultural differences and prejudices from the local community further compound the problem. Marchetti (2020), suggests that this situation is further marked by a "regime of deservingness" accompanying Italy's reception policy. This regime demands that ARs justify

their readiness to be good citizens through swift integration and taking responsibility for the burden they pose to the host society.

As highlighted by Bolzoni et al. (2015), access to housing is a necessary step for integration, determining the ability to fully enjoy rights (human, social, and civil). Lack or inadequate housing policy concerning ARs can result in social integration difficulties. Additionally, this research findings confirm that this could exacerbate the risk of exploitation and draw migrants closer to forced labor.

6.1.6. The lack of alternative legal pathways to Italy enables the use of the asylum system as a tool for further exploitation

Qualitative data depict an international protection system originally founded with noble intentions that has not evolved in response to new migration trends. According to FGs respondents, this system has become virtually the sole legal entry point to Europe and Italy. "Making an asylum claim is the only legal possibility to enter this country," one participant noted (FG04, Rome, 22.06.2021, 22). The focus on asylum as the primary legal entry method has increased following the implementation of more restrictive asylum and immigration policies, coupled with the elimination of quotas for foreign workers (Degani, 2020; Briddick and Stoyanova, 2021; De Felice, 2020).

This situation aligns with the contentious yet increasingly recognized concept of *mixed migration*, which distinguishes the motives for seeking refuge on a collective rather than an individual basis (Bast et al., 2022). Such a policy approach can negatively affect ARs' rights by depriving them of the chance for an individualized assessment of their circumstances (Degani and Destefani, 2020a). The use of concepts like *safe third countries* and the emphasis on expedited and border procedures further exacerbate this issue by moving away from personalized asylum assessments, as discussed in Chapter 4, undermining refugees' ability to assert their rights.

Respondents indicated that this policy environment has turned the asylum system into a mechanism for further exploitation. Findings suggest a prevalent practice where individuals are coerced into applying for asylum, a strategy that enhances their vulnerability to exploitation. The initiation of asylum procedures not only secures a legal residence but also opens opportunities for employment without an increased risk of deportation or detention. It was also noted that organized criminal groups exploit their illegal connections within hotspots and reception centers to execute exploitative schemes, thereby intensifying their control over victims who seek asylum.

6.1.7. Inadequate collaboration between asylum and anti-trafficking system can increase the problem of forced labour among ARs

Despite formalized cooperation between the anti-trafficking and asylum systems, data indicates persistent shortcomings in this collaboration, particularly a reliance on the discretion of individual agents rather than systematic procedural implementation. This dependence on human factors is seen as a drawback, especially at the individual level involving police workers, reception system operators, or Territorial Commission representatives. Although there are formal agreements and guidelines, the effectiveness of collaboration often hinges on the sensitivity and awareness of these individuals towards exploitation issues among ARs. "This is also hindered by limited comparison and exchange of best practices, especially when the cross-cutting nature of the issues challenges the use of a unified approach" (Destefani and Degani, 2021, p. 37). The presence of personnel trained to recognize human trafficking and vulnerability indicators is crucial, as noted by Giannmarinaro (2018), for quick and accurate responses to threats. Without such training, the risk of forced labor may increase.

Destefani and Degani highlight that pioneering efforts to address intersectoral issues have rendered the work of Anti-Trafficking Services challenging and less effective in providing genuine protection from severe exploitation. A significant concern is the "forced merging" of the asylum and trafficking systems, which, according to respondents, exacerbates forced labor issues. This merging is particularly focused on one nationality - survivors from Nigeria - potentially diverting resources and attention from other aspects of trafficking and forced labour that are becoming increasingly common (Degani and Destefani, 2021; Nicodemi, 2020).

Further studies indicate that the referral system has led to Territorial Commissions' hearings becoming primary contexts for addressing human trafficking and exploitation cases (Nicodemi, 2020; Degani, 2020). While increased early-stage identification in Italy is a positive development, there are shortcomings in case referrals and occasional procedural misuses that shift responsibility onto the anti-trafficking network. This situation strains the anti-trafficking system, reducing its efficiency, constraining comprehensive analyses, and prolonging procedures, thereby potentially increasing forced labor among ARs.

However, it's crucial to recognize that while collaborations between anti-trafficking service operators and the international protection system are valuable in aiding individuals to escape severe exploitation, they have a limited impact on the broader trafficking phenomenon (Degani and Destefani, 2020). These collaborations may contribute to harm reduction and prevention efforts but are not sufficient to fully address the issue on their own.

6.2. Asylum procedures and forced labour as an *avoidable structural injustice*

Some of the works included in the systematic review employed a structural approach to discuss forced labor and asylum policies. These studies have highlighted how structural and cultural violence, as well as structural inequalities, contribute to the marginalization of ARs (Hirschler, 2021; Canafe, 2018; Pellegrino and Ricotta, 2020; Cavanna, 2018). I concur that the issue of forced labor among ARs should not be viewed merely as direct harm or unjust act but as a manifestation of broader societal processes and structures.

My analysis, informed by these findings and secondary data, suggests that asylum procedures themselves can constitute a form of *structural injustice*, contributing to the prevalence of forced labor among ARs. While acknowledging other influencing factors, this discussion will focus specifically on the aspects of asylum procedures, guided by the research objectives and the insights from the systematic review.

The concept of *avoidable structural injustice* is pivotal here, suggesting that certain aspects of asylum procedures exacerbate forced labor but could be mitigated with targeted reforms. This notion is based on a reinterpretation of Iris Marion Young's theory of *structural injustice* as proposed by McKeown (2021, 2024). To elucidate this argument, I will outline the foundational elements of structural injustice theory, and McKeown's approach. Additionally, I'll refer to Parekh (2020), who examined unjust structures within the asylum system broadly.

6.2.1. The background of the Young's theory of Structural Injustice

Current discussions on SI are deeply rooted in political theory, particularly through the influential work of Iris Marion Young. Her series of articles compiled in "Responsibility for Justice" (Young, 2003, 2004, 2006, 2006a, 2011) have been pivotal in popularizing these concepts and elucidating their implications. My theoretical framework draws significantly from these discussions, while also incorporating insights by McKeown (2024) and Parekh (2021), which align closely with Young's findings.

The classic definition of SI appears in "Structure as a subject of justice" (Young, 2011).

“Structural injustice, then, exists when social processes put large groups of persons under systematic threat of domination or deprivation of the means to develop and exercise their capacities, at the same time that these processes enable others to dominate or to have a wide range of opportunities for developing and exercising capacities available to them. Structural injustice is a kind of moral wrong distinct from the wrongful action of an individual agent or the repressive policies of a state. Structural injustice occurs as a consequence of many individuals and institutions acting to

pursue their particular goals and interests, for the most part within the limits of accepted rules and norms (ibid., 2011, p.6)".

To delineate SI from other types of harm - those emanating from individual interactions, and specific oppressions by states and powerful institutions - Young presents a compelling illustration. She describes the case of Sandy, a single mother working at a shopping mall who faces the threat of eviction. This example underscores the personal impact of broader structural forces, highlighting how seemingly isolated hardships are often tied to larger, systemic issues (Young, 2011)²¹⁴.

Young's influential work on SI uses real-life examples like that of Sandy- a single mother working at a shopping mall and facing eviction - to illustrate how individuals and sometimes entire social groups are rendered vulnerable to systemic domination and structural oppression²¹⁵. In Young's analysis, the 'moral evil' evident in Sandy's situation arises not solely from her individual choices but from the socio-structural position in which she finds herself, shaped by factors such as the developer's decisions, gender segregation in the labor market, transportation exclusion, and the lack of affordable housing (Young, 2011).

Young argues that SI occurs when the opportunities of some individuals are 'unfairly limited' while others benefit significantly from the same systemic configurations. This type of injustice is not usually the intention of the agents involved but rather a predictable outcome of their activities within established structures (Young, 1998, 2011). This leads to the pivotal question of how individuals and collectives should conceive their responsibility for addressing SI²¹⁶.

In developing a model of responsibility for SI, Young critiques and moves beyond Hannah Arendt's (1958, 1963, 1987, 1994) notions of political responsibility, which she finds insufficient. Young proposes a forward-looking approach, emphasizing active public opposition to harmful actions and engagement in collective efforts to effect positive change. Moreover, she contends that the traditional notion of liability (often associated with the *liability model*) is inadequate in this context. This approach is crystallized in her Social Connection Model (SCM) of responsibility, which shifts focus from assigning blame to changing

²¹⁴In this story, a developer has bought out the building where Sandy currently lives, with the intention of converting it into commercial condominiums. She is deprived of alternatives. Housing near work is too expensive. She herself is wary of places on the outskirts because of her children's safety, and those farther from the center would require buying a car. So, she decides to buy a vehicle, discovering after time that she doesn't have enough money to cover the three-month deposit on her new apartment. Sandy finds herself on the brink of homelessness, through no fault of her own, nor the fault of any person or illegal action. As Young points out, this doesn't mean that all the current actors - in this case - are doing the right thing. Discriminatory and profit-determined landlords who collaborate with corrupt politicians and developers - according to Young - should be held responsible to some degree. She points out, however, that calling specific agents to account does not address the broader (social, economic, and political) flawed structures that have created the insecurity and forced Sandy to live in a car.

²¹⁵In the framework on SI, Young identifies five "faces" of oppression: (1) Exploitation, which involves the transfer of the fruits of labor from one group to another; (2) Marginalization, the most perilous form, which excludes certain populations from meaningful participation in society; (3) Powerlessness, often felt by those who lack authority in their work and daily interactions; (4) Cultural Imperialism, where the dominant group's culture is privileged, marginalizing others; and (5) Violence, systemic attacks on people based on their group identity. These forms collectively elucidate the mechanisms through which social structures impose disadvantages on specific groups while benefiting other (Young, 2011, 2014).

²¹⁶Young presents the structural nature of injustice by discussing 'socio-structural processes', which she defines in four ways: as objective social facts experienced by individuals, as a macro social space where everything is interconnected, as processes existing solely through action, and as processes involving the unintended consequences of multiple actors' actions (Young, 2004). The need for a new interpretation of "justice" emerged from a critique of Rawls' (1967, 1999) „outdated" theory to which Young refers. She initially builds concepts by going back to Reiman (1989), Sartre (1976), Bourdieu (1990, 2005) or Peter Blau (1977).

structures to make them less unjust (Young, 2006)²¹⁷. The difference is not using this knowledge solely to 'pass the blame'. "Forward-looking responsibility" is to change structures - that is, institutions and processes - so that they are less unjust (ibid., 2006).

Young uses the example of sweatshops to highlight SI's transnational nature, a concept also discussed by Zwolinski (2020). Sweatshops are emblematic of SI, recurring across various locations and characterized by harmful patterns that benefit multiple actors at the expense of vulnerable workers, often without viable alternatives. This example underscores the global applicability of SI and its relevance to various instances of SI (Young, 2004, 2011).

One criticism of Iris Marion Young's theory of SI centers on her purportedly superficial definition of the concept and her focus primarily on the aspect of responsibility, potentially neglecting a deeper analysis of the core nature of SI itself. In his analysis, Zwolinski (2011) uses sweatshops as a case study to delve into various theories of justice, emphasizing the moral status of exploitation, which he argues is often examined merely through the lens of contract fairness rather than broader structural dynamics. This perspective builds on Wertheimer's work "Exploitation" (1996), which shifted the discourse from a primarily Marxist-centric approach to a more nuanced exploration of exploitation's ethical dimensions (Zwolinski, 2011, p. 158).

Further, while a consensus on structural relations and their implications has emerged over time, the connection between exploitation and SI remains inadequately explored. Sample (2003) suggests that exploitation is not just a transactional anomaly but stems from entrenched institutional and societal conditions—a view that Zwolinski acknowledges in his call for a deeper understanding of SI to more accurately identify exploitative interactions and assign responsibility (Zwolinski, 2010)²¹⁸

Critiques also extend to ontological inconsistencies in Young's framework. McKeown (2024) points out that Young's adoption of concepts from both critical realism and structurationism leads to a conflicting social ontology, especially concerning the separability versus interconnectedness of structure and agency²¹⁹. Moreover, critics argue that Young's model lacks sufficient pluralism, suggesting that the typology of SI

²¹⁷ The Social Connection Model means that: all those who have contributed to the structural processes that lead to injustice - share responsibility for it. Importantly, it is not directed backward, as is the case in assigning blame - but is meant to look forward (Young, 2011). There are 5 main features of the SCM model: no intention to isolate (perpetrators and offenses), attention is focused on the future rather than the past (forward-looking, rather than backward-looking approach), shared responsibility, change through collective action.

²¹⁸ Zwolinski (2011) argues that exploitation should be viewed as unjust and degrading abuse, departing from Marxist notions of surplus labor extraction, and extending its applicability beyond economic realms. Despite modern analyses rejecting Marx's foundations, they often overlook his insights on social and economic structures' role in exploitation.

²¹⁹ McKeown argues that critical realism provides a better foundation for understanding SI than structurationism. By utilizing Archer's critical realism's social ontology, it is more suitable for examining the interaction between structure and agency and their contribution to stability or change. This separation also facilitates the integration of power into the comprehension of SI (McKeown, 2024).

should be expanded to encompass various forms and manifestations of injustice, thus enriching the theoretical landscape, and enhancing applicability across diverse contexts²²⁰.

6.2.2. Asylum procedures, forced labour and *avoidable structural injustice*

I align with Parekh's critical perspective that the current international protection system inadequately safeguards ARs, failing to offer sufficient protection, shelter, or uphold human dignity²²¹. In her seminal work, "No Refugee" (2020), Parekh articulates a comprehensive framework for understanding the multifaceted challenges refugees face within the international protection system. She advocates for recognizing a dual-layered scope of injustice: direct injustices originating from countries producing refugees, and systemic injustices fostered by conditions in host countries - what she terms as problems "we have created."

Parekh characterizes the systemic failures of host countries in addressing the needs of refugees as a "second refugee crisis". This second level of SI includes a range of adversities faced by ARs, such as prolonged stays in insecure camps, socio-legal vulnerabilities in urban settings, limited employment opportunities, dependence on smuggling and trafficking networks, a lack of safe and legal pathways to asylum, and forced labor issues, among others (Parekh, 2020)²²². Parekh argues that Western countries primarily perpetuate these conditions through their policies that maintain the status quo, shape restrictive asylum and migration policies, and enforce stringent border security measures²²³. She highlights SI evident in refugee camps, urban precariat populations, systemic funding mechanisms, and deterrence policies (ibid., 2020).

- For instance, refugee camps, intended as temporary solutions, often become long-term settlements where ARs are denied fundamental rights and resources. The structure of these camps aligns with the definition of SI due to the lack of political will to reform them, as highlighted by Parekh (2020).

²²⁰ Other critical objections: Atenasio (2019) critiques Young for amalgamating three distinct moral injustices into one under the framework of *structural injustice*. Scholar argues that existing models of moral responsibility already address different forms of injustice, such as exploitation, misdistribution of resources, and harmful actions in financial markets. According to Atenasio, the SI model becomes unnecessary in cases where other models of responsibility are applicable.

²²¹ The international protection system (also referred to in this work as the international protection regime, regime, or asylum system) is defined as: the set of rules, norms, principles, mechanisms, and decision-making procedures that govern the situation of ARs and the response of states to this situation. It is the result of uncoordinated actions, taken by states, by the UNHCR (United Nations High Commissioner for Refugees) and NGOs (Parekh, 2020, Betts, 2015).

²²² Direct injustices involve identifiable entities causing harm intentionally, such as governments or individuals perpetrating violence. Examples include soldiers in Myanmar targeting Rohingya minorities or gangs in Honduras exploiting migrants. On the other hand, SI stem from systemic flaws, where refugees must continually justify their humanity and dignity (Parekh, 2020).

²²³ Modern mechanisms of international protection, established post-World War II, rely on key documents like the 1951 Refugee Convention and the Universal Declaration of Human Rights. These mechanisms aim to aid refugees through three *durable solutions*: voluntary return, integration in the host country, or resettlement in a new country. However, less than 2% of refugees worldwide access these options. Scholars like Parekh and others highlight the inaccessibility and malfunctioning of these solutions.

- Chronic underfunding results in limited resources for essential services like medical aid and education, while the uneven distribution of refugee burdens, primarily on border countries, undermines solidarity within the international community (Parekh, 2020)²²⁴.
- Roughly half of refugees choose autonomous living in urban centers over camps, sometimes in informal settlements (UNHCR, 2013). While this provides freedom and work opportunities, it also entails risks like labor exploitation and precarious conditions (Canafe, 2018; Cavanna, 2018; Hassouri, 2021). Moreover, informal urban living breeds chronic insecurity and deportation fears, prompting risky decisions (Waite, 2015). Parekh asserts that these challenges epitomize SI, stemming from systemic barriers and government inaction (Sandri, 2017; Parekh, 2020).
- Additionally, deterrence policies justified by state migration and security agendas often lead to severe human rights violations, including sexual violence, forced labor, and trafficking (Abdelaaty, 2023; Steinhilper and Gruijters, 2020). This policy exemplifies the dual nature of injustice, with direct repression such as deportations and border closures, and indirect harm by ignoring asylum rights and creating new threats (Schindel, 2019; Parekh, 2020)²²⁵.

By framing the international protection system as embodying SI, Parekh underscores that these issues are not isolated but are predictable outcomes of current policies and norms. While each policy component may appear benign on its own, their collective impact deprives many ARs of a dignified and safe existence (Parekh, 2020).

In this thesis, I assert that while it is relevant to view the entire asylum system through the lens of structural injustice, it is crucial to focus on specific aspects, such as asylum procedures. These findings relate to a systematic review highlighting a 'detail deficit'. Furthermore, I acknowledge that certain injustices of the asylum procedures could be avoided. Building upon McKeown's (2021, 2024) typology of SI, I apply an alternative framework that integrates considerations of power and structural change, grounded in Margaret Archer's critical realist ontology and Thomas Wartenberg's situated conception of power²²⁶.

McKeown (2021, 2024) categorizes SI into three types based on the element of power: pure, avoidable, and deliberate²²⁷. In *pure structural injustice*, the responsibility is diffuse among multiple actors, making it hard to pinpoint a clear perpetrator - climate change serves as a pertinent example. *Avoidable*

²²⁴ Often presented example is the situation of Syria. According to UNHCR figures for 2020, the planned budget for humanitarian activities related to the Syrian refugee situation alone was nearly \$2 billion. However, this budget was only 38% funded. Thus, there were not enough funds to provide the necessary humanitarian aid and support (including education and medical assistance) (UNHCR, 2021; Parekh, 2020).

²²⁵ According to Hillier-Smith (2022), deterrence policies deliberately designed to prevent migrants from reaching Europe, despite the resulting extreme human rights violations, are considered direct injustices rather than structural.

²²⁶ Realists suggest that structures develop as a result of the interplay between structure and agency over time. The continuous interaction between revised structures and agency is termed 'double morphogenesis,' involving transformation of both structures and agents

²²⁷ As she stated: "Sometimes *structural injustice* is a mere unintended accumulation of disparate activities, and it will require wholesale systemic change to overcome. However, there are also cases where the injustice *could be ameliorated* without wholesale structural change, but the agents with the capacity to make these changes fail to do it. In yet other cases, even though SI emerges from the accumulation of multiple processes and activities, there are *powerful* agents that *deliberately* perpetuate the injustice because they benefit from it. I call these different types of SI pure, avoidable, and deliberate, respectively" (McKeown, 2024, p. 1).

structural injustice occurs when change is possible but not pursued, such as in global poverty scenarios. *Deliberate structural injustice* involves intentional acts by powerful entities capable of rectifying injustice but choosing not to, as seen in the exploitation within sweatshops by multinational corporations.

Applying these definitions, the asylum procedures and their implementation in Italy can be characterized as *avoidable structural injustice*. These mechanisms not only perpetuate domination but also deprive ARs of opportunities to develop and exercise their capacities. They inadvertently empower exploiters, providing them with opportunities denied to ARs.

Dominance and deprivation are articulated through the problem of forced labor among ARs. Contributing factors include protracted asylum processes and prolonged uncertainty regarding socio-legal status. Despite the provision of international protection (refugee status), these procedures inadequately mitigate the risk of forced labor. Communication deficits and limited access to information during these procedures further exacerbate the situation.

Additionally, Dublin regulations and the concept of *safe countries* prioritize procedural efficiencies over the rights of ARs, often neglecting their special needs and making them more vulnerable to exploitation. *Avoidable SI* is also reflected in inadequate reception systems that can exacerbate the issue of forced labor. Moreover, the lack of effective inter-system cooperation, characterized by inappropriate referrals and responsibility shifting onto the anti-trafficking system, contributes to the continuation of domination and deprivation. Such systemic failures underscore the pervasive nature of *avoidable SI* within the asylum system, highlighting the need for comprehensive reforms to protect vulnerable groups and dismantle the structures that enable such injustices.

6.2.3. A safe host country for ARs – decreasing the problem of forced labor through asylum procedures

The intention of all asylum procedures was not to cause domination, deprivation of rights, or forced labor among ARs. However, the potential for such adverse effects was predictable, and the means to mitigate these effects are available. Utilizing the concept of *avoidable structural injustice* and Young's "forward-looking approach", this section recognizes the possible changes within the asylum procedures. Empirical data indicate that modifying certain aspects of these procedures could reduce the problem of forced labor.

This thesis adopts Iris Marion Young's "forward-looking approach," which is partially based on her Social Connection Model. The SCM, proposed by Young (2011), posits that all individuals involved in structural processes contributing to injustice share a collective responsibility²²⁸. This responsibility is not focused on attributing blame for past actions but rather on guiding future improvements. It advocates

²²⁸ The fact that the SCM model does not exempt victims from the responsibility to participate in collective remedial efforts has been subject to critique.

moving beyond identifying isolated wrongdoers and instead addresses the often-normalized conditions and practices embedded in daily operations and established norms.

The forward-looking responsibility involves transforming structures, including institutions and processes, to mitigate injustice. However, there are critiques of the SCM regarding the potential "blurring" of responsibility, as it may dilute the accountability of individual actors (Young, 2006)²²⁹. Acknowledging this, the focus here is on targeted actions that could specifically mitigate injustices identified within the asylum procedures. The aim of this work is not to pinpoint responsible actors or analyze the extent of their responsibility but to explore changes within asylum procedures that can reduce *avoidable SI* and forced labor among ARs. These suggestions are based on empirical data categorized in the *Results* as protective factors within asylum procedures. This analysis emphasizes the potential for procedural reforms to significantly impact the safety and well-being of ARs, aligning with a broader commitment to justice and human dignity.

The importance of information, education, and qualified personnel

Empirical evidence underscores the crucial role of timely, regular, and accurate information in reducing exploitation risks for ARs. Effective communication about rights and risks, including patterns of human trafficking and forced labor, is essential for the early identification of potential victims and enhances ARs' understanding of their legal framework and rights. This empowerment through knowledge helps reduce vulnerability to exploitation.

Utilizing the framework of *avoidable structural injustice*, it becomes clear that improving the dissemination of information during asylum procedures is a key strategy. An effective solution is to grant organizations combating human trafficking access at each stage of the asylum process, enabling them to conduct regular and engaging information sessions. This strategic dissemination of information, managed by specialized personnel, minimizes reliance on less reliable sources.

Ruokolainen and Widén (2019) have pointed out the risks associated with misinformation among ARs, including the reception of inadequate official information and the influence of outdated details and disinformation spread by intermediaries. These factors, compounded by liminality and experiences from countries of origin or transit, can significantly affect how ARs seek and process information, often influenced by trauma, stress, and social isolation (ibid, 2019; Quirke, 2011). Dekker et al. (2018) acknowledge that one of the most significant factors determining the information practices among ARs may be uncertainty. Little attention has been paid to the significance of information in destination countries for ARs. According to Fisher et al., (2004), information is crucial for maintaining emotional security. However, the importance of information among ARs in the context of forced labor or human trafficking remains unexplored. Significantly, ARs encounter barriers in accessing information (Ruokolainen and Widén, 2019). This can be attributed to culturally unfamiliar information environments or insufficient language resources

²²⁹ Young uses the parameters of reasoning to distribute the responsibilities. They are power, privilege, interest, and collective action.

(Gillespie et al., 2016). Hence, the role of specialized and trained personnel, including cultural mediators and access to interpreters in the asylum process, is crucial.

Moreover, education serves as a key preventive mechanism against exploitation, enriching ARs' understanding of local socio-cultural and legal contexts and enhancing their communication skills. Language proficiency, in particular, is critical for facilitating safer and more effective integration and protection of rights within the host community. Research by Udayar et al. (2020) in Switzerland highlighted that language barriers are a primary obstacle for young ARs in achieving sustainable labor market integration. Furthermore, as noted by McFadyen (2019), lack of language fluency also impedes coherent presentation of one's history. As they indicate, obtaining protection relies on recounting one's story and convincing the commission of a "well-founded fear."

The role of trained and knowledgeable personnel, such as cultural mediators and interpreters, is crucial in the asylum process (Satinsky et al., 2019). These professionals can address the complex challenges and cultural nuances facing ARs, significantly aiding in early victim identification, and mitigating post-traumatic experiences. Furthermore, staff engagement in broader social and political efforts to combat forced labor must be supported by adequate recognition and fair compensation to ensure the safety and well-being of ARs (Schock et al., 2015).

Training on human trafficking plays a pivotal role in increasing awareness among agents about the complexities of identifying and addressing forced labor. However, studies such as those conducted by Renzetti et al. (2015) suggest that while training can enhance awareness and self-reported likelihood of identifying and investigating cases, its impact remains limited without broader systemic integration. This aligns with the views of field respondents who emphasize the importance of not only conducting training but also integrating representatives from both anti-trafficking and asylum systems to foster a holistic approach.

The OSCE simulation, as described by Elliott and Smith (2020), underscores the necessity of experiential learning and multi-agency cooperation. These simulations confirm the need for "developing effective cooperation systems among national institutions and sectors of society," which are crucial for a successful counter-trafficking response (Elliott and Smith, 2020, p. 4). This approach not only broadens the understanding and responsiveness of individual agents but also enhances the overall system's capacity to prevent and address forced labor and migration challenges effectively. This training involves experiential learning through simulation exercises, developed in collaboration with Italy's Carabinieri. Scenarios used in these simulations, such as those depicting "Cults" involving Nigerian OCGs exploiting asylum procedures and reception facilities, as well as forced labor of ARs in agriculture, are instrumental in highlighting the roles of various stakeholders. These include prosecutors, lawyers, journalists, NGOs, cultural mediators, public service providers, Directorate of Anti-trafficking (DIA), representatives of anti-trafficking systems, shelter workers, local police, international non-governmental organizations (INGOs), psychologists, and

social workers (Elliott and Smith, 2020). Special attention is given to the position of ARs, their immigration status, and the significance of asylum procedures.

Such cooperative frameworks facilitate the sharing of best practices and foster a unified response strategy, ensuring that knowledge gained through training translates into practical, actionable measures. By involving various stakeholders—from law enforcement to social services—these collaborations ensure that multiple perspectives and resources are harnessed to combat trafficking more effectively.

This training is particularly crucial in the context of the normalization of labor exploitation and the lack of political engagement in some regions in combating this issue. The normalization of exploitation often permeates the local social fabric and influences the collective "approach to work." As McKeown (2024) notes, SI is the ordinary injustice that characterizes our world in the early twenty-first century" (ibid., 2024, p.1). Recent empirical findings highlight a decrease in awareness-raising activities in Italy, particularly after high-profile cases involving Nigerian victims of forced prostitution. Deganni's research (2021) supports this observation, underscoring the urgent need to reintroduce educational initiatives specifically addressing labor exploitation.

Integrating strategic information dissemination, comprehensive educational initiatives, and deploying qualified, culturally competent staff form the foundation of an effective strategy against the exploitation of ARs. This comprehensive approach is crucial for creating a protective environment that significantly reduces the risks of forced labor and exploitation, thereby enhancing the safety and well-being of ARs.

Multi-Agency Approach and Collaboration as Protective Factors in Asylum Procedures

Degani and De Stefani's report illustrates the intersection of exploitation and asylum issues, highlighting that individuals often forced into exploitative situations arrive in Europe predominantly via sea. These individuals frequently enter Italy's international protection and assistance systems, which were more inclusive before the "Salvini decrees" (2018-19).

In their report Degani and De Stefani highlighted the intersection of exploitation and asylum issues: "People who, as part of *mixed migration flows*, find themselves forced to sell sexual or labor services or other types of exploitation, in transit areas or in the European destination country, predominantly arrive in Europe via sea and almost always - at least before the more recent "Salvini decrees" (2018-19) - have entered plural reception and assistance systems for international protection in Italy."

The results underscore the vital role of continuous multi-agency cooperation in addressing the complexities of forced labor among ARs. This approach not only enhances the operational efficacy of asylum processes but also ensures humane and equitable procedures for those seeking refuge. As

emphasized by Giammarinaro (2021), recognizing vulnerability to forced labor is crucial during asylum procedures. This alignment involves collaboration with Territorial Commissions, specialized courts, and anti-trafficking networks. It is crucial not only at the initial reception but also in cases where exploitation has occurred during transit or in countries of origin, and when ARs are already ensnared in exploitation networks, such as through debt bondage. My findings support these assertions.

Importantly, recognizing vulnerability should not equate to a denial of agency. On the contrary, agency is a vital resource for vulnerable individuals, who, through empowerment policies, can regain control of their lives. Systematic meetings that include a diverse range of stakeholders - police departments, labor inspectorates, international organizations (including UNHCR, IOM, and EUAA), anti-trafficking networks, local NGOs, and prosecutors - are crucial. These meetings serve as essential platforms for knowledge exchange, competency enhancement, and the development of coherent strategies. The goal extends beyond crime prevention to supporting victims in rebuilding futures alternative to exploitation (De Felice, 2020).

De Felice (2020) analyzed the multi-agency system's impact in Sicily, particularly for unaccompanied minors and minor ARs. Initiated in 2015 by the DDA, this system revealed a significant discrepancy between the number of human trafficking cases handled and the potential victims identified by the IOM. By 2016, the Prosecutor's office in Catania became a leader in Italy for judicial proceedings against identified suspects, making arrests, and rescuing survivors of human trafficking²³⁰. This period also saw a peak in the influx of female minors, mostly unaccompanied and predominantly from Nigeria, with a significant number opting for voluntary departure from the asylum system (De Felice, 2020, p. 69)²³¹.

The implementation of the multi-agency approach was accompanied by the creation of the technical table "CT Counting Trafficking" (ibid., 2020). As emphasized by the DDA Prosecutor of Catania: "We cannot assume that penal action alone can cover everything, just as protection in other areas cannot be effective in this domain unless it shares information with the Anti-Mafia Directorate that might be significant from an investigative standpoint" (ibid., 2020, p. 74). The list of participants accurately indicates the actors necessary in the cross-sector cooperation. This was also recognized as good practice by the FGs respondents.

The Technical Table focuses on role responsibilities and potential actions associated with each function. This has led all participants through a journey of individual and collective learning, allowing everyone to understand and respect the actions and boundaries of others. At different stages, each actor may take on a coordinating role, while at others, they might serve as a liaison (ibid., 2020). The objective is to construct a body of evidence that can stand independently of the victim's narrative

²³⁰ In 2018, the OSCE organized a workshop based on this approach and highlighted the practices from Catania as a "role model practice" to be made accessible to all participating States (De Felice, 2020).

²³¹ During this period, the Prosecutor's office also noted a significant trend: 66.5% of these young Nigerian women opted for voluntary departure (it. *allontamento volontario*) from the asylum system (De Felice, 2020, p. 69).

(Giammarinaro, 2021). Among the key participants and collaborators in the process, the most frequently mentioned include Prosecutors, the Juvenile Court (for minors), Police and Mobile Squad, the District Anti-Mafia Directorate, the Anti-Trafficking network, the third sector working with ARs, and international agencies such as the EUAA, UNHCR, IOM, or IRC. Other participants are agencies active during landings (it. *sbarco*), the Territorial Commissions, cultural mediators, and social workers within reception systems. While not all are required to be part of the technical discussions, they each play a vital part within the broader multi-agency network.

Territorial Commissions play a crucial role, particularly in the identification of potential victims among ARs. However, the quality and intensity of collaboration with TCs vary across different Italian regions and specific commissions. Nevertheless, many areas are progressively integrating representatives from anti-trafficking networks into the asylum interview process. This involvement facilitates the early detection of exploitation indicators and vulnerabilities, potentially shortening referral times and reducing the risk of improper identification of victims. Such direct participation also minimizes the need for repeated interviews with asylum applicants, thereby decreasing the likelihood of re-traumatization. "Improving the quality of interviews can benefit not only survivors, but also local, national, and international institutions, and ultimately, the citizens of host countries" (De Felice, 2020)

Respondents highlighted the need to "expand the multi-agency table" (FG04) with some referring to it as "adding a chair to the technical table" (FG07). Although effective, this approach has been primarily implemented in the context of combating forced prostitution and human trafficking for sexual exploitation. Like most strategies, it addresses the forced labor and labour exploitation (in the traditional understanding) to a lesser extent. Hence, it would be beneficial to incorporate the experiences of prefectures, local businesses, and labor inspectorates. Some experts proposed to include international agencies specialized in labor issues, such as the ILO. Furthermore, an element worthy of adoption is the continues collaboration between reception centers and the anti-trafficking network. This has proven especially beneficial, helping to establish a more robust referral system.

The multi-agency approach facilitates the early identification of human trafficking indicators throughout all stages of asylum procedures by involving a diverse range of actors and fostering knowledge exchange. As Nicodemi (2021) points out, guidelines directed towards Territorial Commissions on the "Identification of human trafficking victims among individuals seeking international protection" have become crucial in assessing applications for international protection. These guidelines have led to several rulings in favor of ARs, thereby enhancing their protection in the host state.

Additionally, this approach allows for the customization of asylum processes to the unique circumstances of each of individuals, significantly enhancing the effectiveness of identifying potential threats of forced labor. The concept of safe third countries and Dublin procedures, however, poses challenges by

potentially limiting the opportunity to identify and prevent human trafficking threats based on the country of origin (Briddick and Stoyanova, 2021).

Knowledge exchange between stakeholders in these systems also prevents the monopolization of responses toward one nationality, such as Nigeria (Degani and Destefani, 2020). The establishment of local Human Trafficking and Migration Observatories in regions like Sicily and Sardinia showcases the effectiveness of focused interagency cooperation. These observatories play a crucial role in monitoring migration trends and exploitation patterns, thereby enhancing the responsiveness and information capacity of the asylum system. Nationally, the Human Trafficking Observatory managed by Numero Verde Anti-Tratta and the Friuli Venezia Giulia Region exemplifies good practice at the national level.

The development of norms and practices within this field is heavily influenced by the interplay of political and social forces (De Felice, 2020). As Ambrosini (2018) emphasizes, "The ambition to build a more civilized world, respectful of the dignity of all human beings, comes through the action of those who have taken their political responsibility and legislative role seriously" (Ambrosini, 2018 p. 15). This integrated multi-agency system has emerged as an effective intervention model, though Degani and De Stefani (2020) suggest that enhancing legal migration channels, implementing humanitarian corridors, and promoting social integration among ARs could further prevent the victimization of migrants.

Moreover, integrating a third entity such as human rights law into both systems could serve as a potential remedy for their deficiencies, advocating for a more holistic approach to asylum and anti-trafficking efforts (Briddick and Stoyanova, 2021; De Stefani, 2020). This integrated approach underscores the necessity of creating a protective environment that not only addresses immediate concerns but also contributes to the long-term well-being and integration of ARs.

Formalizing Referral Processes

The 12 principles for effective National Referral Mechanism (NRM) structures highlight a human rights-based, victim-centered approach that is gender-sensitive and trauma-informed. These principles emphasize the best interests of children, ensure services and protection are unconditional, and advocate for recovery periods and non-punishment of victims. They stress the importance of social inclusion, cross-sector partnership, transparency, accountability, and the necessity of addressing demand to prevent trafficking (OSCE, 2023). However, a lack of formalized cooperation can significantly weaken the NRM, as evidenced by the UK's Multi-Agency Assurance Panels report, which identified early-stage deficiencies such as insufficient multi-agency involvement and standardized procedures, undermining confidence in decision-making and hindering effective trafficking prevention and response (The Antitrafficking Monitoring Group, 2021).

In Italy, for years, the anti-trafficking system has been internationally recognized for its effectiveness (Giammarinaro and Nicodemi, 2021). Feedback from FGs participants indicates that multi-agency collaboration significantly enhances the referral mechanism and overall asylum protection in Italy. A notable achievement of this collaboration is the establishment of a formalized referral process. This cooperative effort led to the creation of the Memorandum of Understanding (it. *Protocollo d'Intesa*), symbolizing a tangible outcome of the joint initiatives. This memorandum established the framework for collaboration between the Territorial Commissions and entities within the Italian anti-trafficking network. Its objective was to standardize actions when assessing potential trafficking cases among ARs.

The formalization of referral processes enables the consistent application of strategies and guidelines across all regions of Italy. Through formalized guidelines, duties, procedures, and specific roles of stakeholders are clearly defined, integrated, and harmonized. Moreover, the formalization of collaboration and the establishment of referral guidelines have led to the detection of numerous cases of exploitation, both labor and sexual, which might otherwise have been overlooked (Giammarinaro and Nicodemi, 2021). According to the co-authors of these guidelines, the effectiveness of these procedures is reflected in the high number of individuals identified as potential human trafficking victims by Territorial Commissions (ibid., 2021).

Another best practice in this area is the continual updating and refreshing of human trafficking indicators and guidelines for actors in both systems²³². In Italy, the indicators have been updated based on findings from the Territorial Commissions and organized into four categories. These include general indicators, those specific to sexual and labor exploitation, and to minors. Each category is divided into four areas covering: the applicant's background; their experiences during transit; their conditions in Italy; and their behavior and responses during the interview with the Commission (Giammarinaro and Nicodemi, 2021).

Finally, formalized cooperation in the referral process, utilizing a multi-agency approach, should consider the need for differentiated procedures tailored to the varied situations of at-risk individuals (OSCE, 2023). This includes considering employment conditions, varying degrees of subordination to perpetrators, and differing levels of exposure to potential danger. Recognizing these aspects enables the appropriate designation of services and agents for referral (Giammarinaro and Nicodemi, 2021). The National Referral Mechanism is crucial for ensuring that human trafficking victims receive their legal rights. Upon proper identification, they gain access to reintegration, assistance, and social integration programs under Article 18(3a) of Legislative Decree 286/98, as well as residency permits (OSCE, 2023, Osservatorio Anti-tratta, 2018).

Ultimately, formalized cooperation in the referral process, utilizing a multi-agency approach, should tailor procedures to the varied situations of at-risk individuals. This includes considering employment conditions, degrees of subordination, and exposure to potential dangers, thereby enabling the appropriate designation of services and agents for referral (Giammarinaro and Nicodemi, 2021). The NRM plays a

²³² The 2016 guidelines were supplemented with an expanded version in 2021.

pivotal role in ensuring that human trafficking survivors receive their legal rights and access to reintegration, assistance, and social integration programs under Italian legislation (OSCE, 2023; Osservatorio Anti-tratta, 2018)²³³.

Small reception facilities and maintaining a balance between centralization and locality in the reception system

As demonstrated in previous chapters, the structure of refugee camps and ad hoc large reception facilities often results in human rights violations, fitting Parekh's definition of *structural injustice* (2020). This issue is further exacerbated by a lack of political will to reform these encampments or to explore new solutions. Researchers such as Fiske (2016), and Freedman (2016) have repeatedly analyzed these violations in precariat-maintaining conditions. Furthermore, studies like those by Williams et al. (2018) have indicated a heightened risk of sexual and labor exploitation within large reception centers.

Contrastingly, smaller reception centers offer several advantages that can enhance the protection and integration of ARs. According to feedback from respondents, establishing smaller centers for ARs bolsters protection against forced labor. These facilities allow for better monitoring and supervision, thereby reducing the risk of exploitation. Smaller centers facilitate a more personalized approach to care, ensuring that individual needs, such as psychological and medical services, are met promptly.

Moreover, the manageable scale of smaller centers strengthens cooperation with anti-trafficking networks, enabling more effective engagement and intervention. This tailored approach not only addresses the immediate needs of ARs but also supports their language learning and integration into the community, significantly reducing the risks associated with larger, less manageable facilities. Therefore, advocating for the establishment and management of smaller reception centers emerges as an important strategy for improving the overall well-being and safety of ARs, aligning with broader humanitarian and legal standards.

In Italy, respondents highlighted the good practice of small experimental CAS centers and second-level reception facilities (SPRAR/SIPROIMI/SAI). The positive impact of second-stage reception centers, particularly one for unaccompanied minors in Syracuse (Sicily), has been confirmed by researchers Manzano et al., (2018). They noted effective service distribution that ensures the enjoyment of asylum and human rights. Researchers increasingly support not only smaller-sized centers but also advocate for shifting management from national to local levels, a movement referred to as the "local turn" and "new localism" in the design of reception systems (Oliver et al., 2020). This shift is seen as a potential way to enhance integration and security for ARs. However, local-based innovative initiatives can only effectively enhance

²³³ Upon proper identification, survivors gain access to reintegration, assistance, and social integration programs under Article 18(3a) of Legislative Decree 286/98, as well as residency permits.

integration and security when they are strongly supported by European and national migration and asylum policies.

Panizzon and van Riemsdijk (2019) note that decentralizing power to local and regional levels can lead to diverse outcomes, both beneficial and adverse. Feedback from focus groups underscores the importance of this shift in reducing the risk of forced labor among ARs. Moreover, Barberis and Pitzalis (2021) highlight the direct nature of the reception system in Italy, characterized by micro-regulation and a notable disconnect between written laws and their implementation. This discrepancy results in varying local experiences depending on the region of Italy, as detailed in studies by Talocia (2019) and Terlizzi (2021).

Marchetti (2016) describes the system's dual nature: it both controls and isolates migrants while simultaneously integrating them through extensive third-sector collaboration. This complex relationship underscores the need for carefully considered local management strategies that align closely with national and European policies to ensure that the potential benefits of localism are realized without exacerbating vulnerabilities or isolation of migrants. According to the respondents, the best practice would be maintaining local engagement through collaboration between the public and third sectors but utilizing centralized and formal procedures. This ensures that "an individual entering the system in Trentino will have access to the same conditions and procedures as someone starting reception in Sicily" (FG04). Such a system, ensuring appropriate reception conditions and collaboration with anti-trafficking actors, can reduce the risk of exploitation and enhance the agency of ARs and refugees.

The systematic review by Oliver et al. (2020) underscores the benefits of smaller, locally managed reception centers, which enhance safety and integration opportunities for ARs. Among the innovative European projects, the Utrecht Refugee Launchpad (URLP) stands out. This project facilitates social interactions between young tenants and ARs fostering community integration. Another initiative, the "Grandhotel Cosmopolis" in Augsburg, combines a hotel, reception center, café, restaurant, and artistic space, serving as a vibrant hub for tourists, local residents, and refugees alike.

These smaller centers are crucial in preventing the deterioration of refugees' human capital, as noted by Oliver et al. (2020). With fewer individuals, these centers allow for more effective utilization of time and resources, enhancing the integration process. The OSCE (2017) recognizes such setups as key protective factors against human trafficking and exploitation. Avoiding conditions of waiting and precarity is essential, as these can erode work capacity and mental health, increasing the risk of forced labor. The detrimental effects of large refugee camps and inefficient reception strategies, leading to re-traumatization and mental health burdens, have been well-documented (Li et al., 2016; Miller and Rasmussen, 2017).

Smaller reception centers increase the likelihood of preventing the further deterioration of already limited human capital among refugees (Oliver et al., 2020). A reduced number of individuals allows for more effective utilization of refugees' time and better allocation of resources for their integration. The OSCE (2017) recognizes this as a key protective factor in the context of human trafficking and exploitation of ARs. According to respondents, it is crucial to avoid waiting and precarity, which further deteriorate work capacity

and mental health, thereby increasing the risk of forced labour. The harmful impact of large refugee camps and inefficient reception has been thoroughly documented, indicating re-traumatization and a burden on the mental health of refugees (Li et al., 2016; Miller and Rasmussen, 2017; Oliver et al., 2020). This constitutes one of the risk factors for forced labor and human trafficking. Therefore, individualized care in smaller centers can help address these issues and also increases the chances for collaboration within a multi-agency system.

The shift towards such models in Italy is highlighted by Ambrosini and Campomori (2020), who emphasize the importance of multi-sectoral and horizontal alliances. Their analysis discusses strategies involving national and local authorities, NGOs, and includes the active participation of various groups, including migrants, pro-migrant organizations, social movements, and even xenophobic initiatives. This comprehensive approach significantly increases the chances of successful integration and protection against any forms of exploitation.

6.3. Conclusions

While asylum procedures are a critical factor, they are not the sole determinants of forced labor among ARs. This is supported by a systematic review that highlights the broader entrenchment of the problem in neoliberal markets and the neoliberal imperative for integration (Wyss and Fischer, 2020; Janmyr, 2016; Vickers, 2015; Sager, 2015). International political-economic dynamics also shape this issue, as evidenced by researchers like Gebreyesus et al. (2018) and James (2021). Canning (2020) further argues that exploitation and injustice are products of state structures and their collaboration with corporations.

In Italy, historical ties between the territory and organized crime, notably the mafia, exploit migrants' socio-cultural vulnerabilities, pushing them into degrading working conditions, especially in agriculture. These connections also influence Italy's legislative approach to combating crime, shifting the focus on forced labor into the criminal code (Garofalo Geymonat and Selmi 2022; Palumbo and Romano, 2022; Perrotta, 2014).

Perrotta identifies systemic labor exploitation as stemming from informal and often illegal labor brokering by intermediaries known as *caporali*, coupled with ineffective legal recruitment mechanisms. Italian immigration laws, while tightly controlling migration, fail to provide robust pathways for legal employment, exacerbating poor working conditions. This view is echoed by Degani and Destefani (2022), who note the absence of legal pathways to Italy and opportunities for lawful employment.

Omizzolo traces the issue back to the 1970s, noting that numerous migrant communities in Italy have historically found themselves in marginal, exhausting jobs prone to exploitation. He discusses the "refugisation" of labor exploitation in Italy - a state-led integration of refugees into the labor market that perpetuates oppression and marginalization, benefiting employers and criminal exploiters. He illustrates this

through the experiences of the Indian community in Agro Pontino, showing how systemic issues force migrant workers into exploitative conditions under the guise of employment integration. Omizzolo also connects these patterns to globalized capitalism and the reorganization of international class relations within production processes, particularly in agriculture, undermining the rights of the most socially vulnerable and underrepresented individuals (ibid., 2020).

This research acknowledges the broader discussions extending beyond migration and asylum policies. However, the systematic review reveals a data gap regarding specific mechanisms by which asylum policies and procedures contribute to forced labor issues. Thus, this study focused specifically on the role of asylum procedures in this context, aiming to shed light on areas that require further investigation and intervention to protect ARs effectively.

Through an exploratory research approach, this study has revealed both protective and risk-enhancing elements within asylum procedures. The findings underscore their dual nature: on one hand, these procedures have the potential to safeguard ARs from forced labor; on the other, they can inadvertently expose them to further vulnerabilities. Notably, the study draws on the concept of *avoidable structural injustice*, suggesting that certain unjust outcomes within the asylum process are preventable. These injustices often arise not from deliberate actions but from the complexities of the system's design and implementation.

McKeown (2024) points out that addressing one form of SI often inadvertently leads to new forms of injustice. This dynamic between individual actions and overarching social structures often leads to unforeseen and complex outcomes. None of the *avoidable SI* stands alone either. Hence, the goal should be to look forward and continuously adjust strategies to combat the problem. "Challenging and repairing *structural injustice* is a never-ending project" (McKeown, 2024, p. 233).

Examining the implementation of asylum procedures in Italy reveals an increasing European reliance on border, accelerated, and Dublin procedures, despite their documented negative effects on the rights of ARs (Bast et al., 2022; Artero and Fontanari, 2019; Pittioni and Gregorc, 2020). There is a growing focus on designating safe third countries, often at the expense of ensuring safe conditions in the asylum-seeking locations themselves. Grounded in empirical research and echoing the calls of McKeown (2024) and Young (2011) to tackle *avoidable SI*, this research advocates for a shift toward the concept of a "safe host country" (SHC).

I define the "safe host country" as a state that not only offers refuge but also actively ensures the protection and promotion of ARs' rights, thereby reducing their vulnerability to forced labor and exploitation. This is achieved through systemic, proactive adjustments to asylum procedures, reception conditions, and integration policies, informed by a forward-looking approach to SI. The SHC concept emphasizes proactive protection and structural empowerment, moving beyond mere shelter or the status of international protection, to ensure that ARs can live dignified, autonomous, and

secure lives, free from the risk of exploitation in the receiving countries. Key elements of the concept, based on the Italian case are:

- Proactive Asylum Procedures:
 - Asylum procedures in a safe host country must be swift and transparent, minimizing the duration of uncertainty which heightens vulnerability to forced labour.
 - These procedures should include robust mechanisms for identifying vulnerabilities, such as the risk of forced labor, to ensure that asylum claims and special needs are processed diligently at each stage of international protection recognition.
 - There should be an emphasis on an individualized approach to asylum applications in practice, contrary to the trend of basing decisions on the concept of safe third countries, or safe countries of origin.
 - The Dublin Procedures should incorporate mandatory specialized protection mechanisms to address the needs of vulnerable groups, including trafficking victims. These mechanisms must include thorough risk assessments before any transfer decisions. This ensures that transfers do not result in secondary exploitation or rights violations. Additionally, the procedures should involve enhanced monitoring of the conditions faced by transferred individuals. This must be paired with increased support for frontline countries, improving their capacity to manage and protect ARs effectively.
- Comprehensive Information and Education:
 - A cornerstone of the safe host country concept is the provision of accurate, timely, and accessible information to ARs at all stages of the asylum process. This includes information about legal rights, available support services, and the risks of trafficking and forced labor.
 - Education programs, especially language and civic integration courses, should be readily available, empowering ARs with the knowledge and skills necessary for a secure life in the host country.
- Effective Multi-Agency Collaboration:
 - Enhanced cooperation between asylum authorities, anti-trafficking bodies, law enforcement, and non-governmental organizations to ensure a holistic approach to safeguarding ARs.
 - The involvement of actors in the anti-human trafficking system at every stage of the international protection recognition process.
 - Implementing a structured national referral mechanism that allows for swift and coordinated responses to identified risks or exploitation. This should be accompanied by formally strengthened collaborations between actors from both systems.
 - Uniform requirements for cooperation and referrals throughout the entire country, with attention paid to minimizing differences between various regions.
- Adaptive Reception Systems:

- The reception system should avoid large, impersonal facilities and instead focus on smaller, community-integrated reception centers that facilitate better monitoring, support, and care.
- Preventing prolonged stays in temporary initial reception centers without access to holistic support networks.
- The reception centers should provide not only basic needs but also facilitate access to legal, psychological, and social services.
- Continuously increasing the knowledge and awareness of workers in reception systems regarding human trafficking, trends, and indicators for recognizing sensitivity to the issue. Close cooperation of reception systems with actors in the anti-human trafficking network.
- Having a strategy for recognizing exploitation within reception systems, as part of multi-agency cooperation.
- Continuous Monitoring and Adjustment:
 - Regular assessment of asylum policies and their impacts to identify any unintended consequences or emergent risks of SI.
 - A commitment to policy adaptation and reform based on empirical evidence and ARs' lived experiences, ensuring that interventions remain relevant and effective.
- Integration and Protection Policies:
 - Policies that facilitate the integration of ARs into the labor market in a manner that protects them from exploitation and ensures access to fair working conditions.
 - Legal pathways for family reunification, education, and employment that reduce the dependency on informal and potentially exploitative work arrangements.

Incorporating a "forward-looking" approach, establishing a *safe host country* necessitates continuous, dynamic policy evaluation and adaptation. This process involves developing institutional capacities to identify and address forced labor among ARs, establishing transparent accountability frameworks to ensure all stakeholders are committed to safeguarding the rights and well-being of ARs, and actively engaging with them and local communities to promote mutual understanding and support, thereby enhancing social cohesion and integration.

7. Conclusions

In this dissertation, I explored the relationship between asylum procedures and forced labor among asylum seekers and refugees in Italy. The two-phase systematic review conducted in the third chapter demonstrated that this is the first study of its kind in the field of social and political sciences.

Utilizing a mixed methods approach with a sequential explanatory design, I demonstrated the interplay between asylum procedures and the issue of forced labor among ARs. This approach combined a quantitative systematic review with qualitative focus groups. Data were analyzed using grounded theory and thematic analysis. Adopting Constructivist Grounded Theory, the research began without preliminary hypotheses, addressing the main research questions.

Research question 1.: *What is the overall state of the empirical evidence base on the scale and nature of forced labor of ARs and its relationship to the asylum and migration policy in a host state?*

Research question 2.: *What can we learn from key research findings on the scale and nature of forced labor of ARs and its relationship to asylum and migration policy in a host state?*

In Chapter 3, I conducted a two-phase systematic review that examined the interplay between migration and asylum policies and the incidence of forced labor among ARs. The systematic review allowed me to present and evaluate existing empirical studies on asylum policies and forced labor of ARs in host countries. The main finding revealed that researchers focus on the pervasive vulnerability and precarity ARs face, which is exacerbated by restrictive policies that often harm rather than protect, placing ARs at risk of exploitation. As the mapped and synthesized data indicate, the relationship between these policies and forced labor emerges as a continuum of exploitation, reflecting socio-legal statuses that either directly or indirectly facilitate the exploitation of ARs. Moreover, the systematic review revealed that while some studies met high-quality criteria, many suffered from methodological deficiencies such as unclear methods, insufficient demographic details, and lack of ethical considerations.

In the review, I identified a "detail deficit," highlighting a lack of detailed, specific inquiry into how asylum policies contribute to forced labor. Much of the existing research suffers from overly broad and superficial inquiries that fail to capture the nuanced impact of these policies on asylum seekers and refugees (ARs). This gap underscores the need for further empirical research to understand and address these issues. The systematic review guided my subsequent empirical research, focusing on asylum procedures to illuminate areas requiring further investigation and intervention to effectively protect ARs.

Research question 3.: *What is the relationship between the asylum procedures and forced labour among ARs in Italy?*

Research question 4.: *How far the asylum procedures and their execution may reduce/facilitate the forced labour among ARs in the host state (Italy)?*

In Chapter 4, I examined the implementation and effectiveness of asylum procedures in Italy, focusing on access to procedures, registration, identification procedures, and reception processes. The analysis shows that while Italy has established formal structures aligning with the Asylum Procedures Directive (APD)'s objectives, practical implementation faces significant challenges. Procedural delays, access barriers, and systemic inefficiencies undermine the effectiveness of asylum procedures, compromising rights and protection. These inefficiencies also hinder Italy's counter-trafficking system. As I demonstrated in Chapter 4, the Italian case illustrates how administrative and procedural inefficiencies can lead to systemic vulnerabilities, compromising the overall goal of providing effective international protection.

These issues are deeply embedded in the structural aspects of the asylum system, particularly safe country concepts, Dublin procedures, and the emphasis on accelerated and border procedures. The structural elements create a framework where procedural delays, limited access to information, insufficient legal assistance, and inadequate reception conditions are not merely operational issues but are intrinsically linked to core policies governing asylum and protection in Italy and Europe. These challenges largely overlap with elements that expose individuals to forced labor, as identified in my empirical research.

The findings in the Chapter 4 set the stage for the empirical investigation into the relationship between asylum procedures and forced labor among ARs in Italy. Hence, in Chapter 5, I presented the results of the empirical study. Through seven focus groups conducted in Italy in 2021 and 2022, I developed theoretical categories characterizing these relationships. Key findings demonstrate the dual nature of asylum procedures in both protecting and exposing ARs to forced labor. Trained and sensitive personnel, comprehensive information dissemination, and effective collaboration with Territorial Commissions are crucial in mitigating risks. However, inadequate and rushed registration processes, communication deficits, and poorly managed reception centers exacerbate vulnerabilities. The qualitative data highlighted significant procedural delays and systemic inefficiencies, prolonging the asylum process and increasing the risk of exploitation.

Research question 5.: *How is the theory of structural injustice applicable in the context of the asylum procedures and the problem of forced labour?*

Research question 6.: *What solutions need to be implemented for change?*

The examination of the relationship between asylum procedures and forced labor among ARs addressed the "detail deficit" identified in the systematic review. The analyzed and integrated data in the *Discussion* (Chapter 6) allowed me to create a substantive theory focused on the dual nature of asylum

procedures and the developed concept of a "safe host country". This research underscores the avoidable nature of structural injustice within the asylum system and introduces SHC as a potential solution.

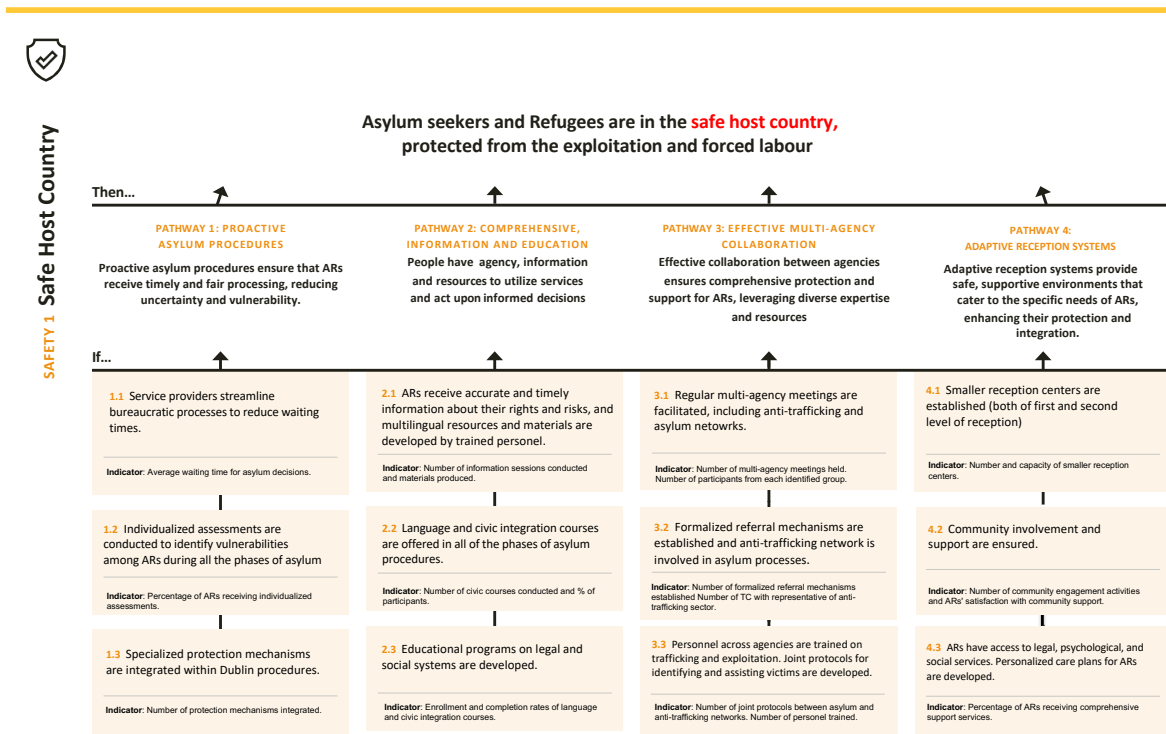
Furthermore, I discussed the data results in the context of the theory of *structural injustice*. In the *Discussion* chapter, I demonstrated that the asylum procedures in Italy represent *avoidable structural injustice* because the harms they produce stem from modifiable aspects like bureaucratic inefficiencies, lack of information, and inadequate reception conditions. The means to mitigate these effects are available and can be implemented through targeted reforms. The concept of a safe host country emerges from this analysis as a framework for addressing and rectifying these injustices. The SHC not only provides refuge but also actively ensures the protection and rights of ARs, thereby reducing their vulnerability to forced labor and exploitation. Concurrently, the SHC aligns with the "forward-looking approach" in Iris Marion Young's theory and its continuations.

In discussing the structural injustice of asylum procedures, I incorporated principles from the theory of "just responsibility" (Ackerly, 2018). The final research question and the theory of structural injustice necessitated the development of solutions to mitigate these injustices. Based on the findings of my research and the theoretical frameworks of Young (2011), McKeown (2024), and Ackerly (2018), it was essential to ensure that the proposed actions are responsible towards those directly affected, are intersectional, consider diverse experiences of marginalization, and foster the capacity for collective and autonomous action. These actions should also incorporate a learning process to enhance future efforts and deepen the understanding of structural injustices (Ackerly, 2018, p. 250; McKeown, 2024). Therefore, from the collected data, I developed a theory of change aimed at guiding practitioners and stakeholders in establishing a safe host country and reducing the incidence of forced labor among ARs.

7.1. Recommendations for practitioners – Theory of Change

As part of the recommendations, I developed the foundations of a Theory of Change which can serve as a starting point for further efforts to combat forced labor among ARs. The next step could be to discuss the ToC framework with affected communities and other asylum and anti-trafficking stakeholders.

Figure 8. The Theory of Change – Safe Host Country²³⁴



Source: own elaboration, on the basis of the International Rescue Committee's Theory of Change Template

A proactive approach to asylum procedures, focusing on swift and transparent processes while identifying vulnerabilities, reflects Ackerly's (2018) principle of ensuring actions are intersectional and responsive to varied experiences of oppression. Providing accurate information and education empowers asylum seekers and refugees (ARs) with knowledge and skills, aligning with the emphasis on developing the capacity for collective and self-advocacy. Enhanced cooperation between various agencies embodies the principle of making connections across people and issues, ensuring a holistic approach to safeguarding ARs' rights and well-being.

Emphasizing smaller, community-integrated reception centers and providing access to comprehensive support services highlights the importance of developing solidaristic networks and ensuring

²³⁴ The list of indicators is not exhaustive and should be refined in cooperation with, for example, local partners, communities affected by the ToC.

structural empowerment. Additionally, continuous monitoring, regular assessment, and policy adaptation based on empirical evidence align with the goal of engaging in a learning process to improve future actions and deepen the understanding of structural injustices.

Paraphrasing McKeown (2024), given our inability to predict future structural developments, the focus should not be on maintaining the status quo but on shaping future outcomes. Therefore, the direction of change should aim towards ensuring a safe host country and establishing secure asylum procedures that protect and empower ARs. ..

7.2. Recommendations for further research

Through a systematic review and empirical findings, this dissertation offers insights into research gaps and recommendations for further study. These recommendations are divided into two main categories: those from the reviewed papers and those emerging from the systematic review and study findings themselves.

From the reviewed papers, researchers suggest exploring how the global social positions of forced migrants affect their engagement in unfree labor and examining the relationships between race, class, and capital. The analysis of citizenship, labor rights, and migrant exclusion in host countries is recognized as essential. Quantitative research methods, such as divided or dual labor market theory, are needed to understand the class position of ARs within the capitalist system. Additionally, research should investigate the interplay between asylum processes and the daily lives of ARs, particularly in specific market sectors, and examine how experiences at different migration stages influence sexual violence or forced labor in host countries.

The recommendations for further research, based on the findings of this dissertation, include:

- Examining how persistent conditions of structural injustices towards migrants are produced and sustained.
- Analyzing the impact of asylum policies on the survival strategies and integration of asylum seekers and refugees (ARs), including those excluded from protection systems.
- Investigating the transition of ARs into formal and informal labor markets and how this relates to their legal and social status.
- Paying closer attention to the specific procedural elements that focus group participants indicated affect the issue of forced labor. Focusing on narrower aspects of these procedures would significantly contribute to political science discussions.
- Exploring the role of inter-agency collaboration in preventing the exploitation and trafficking of ARs.

- Comparing various anti-trafficking systems operating across EU countries and beyond, as this would be a valuable continuation of the findings presented here.

Further Research in the Context of Temporary Protection²³⁵ and New Migration Pact

The theoretical and methodological approach developed in this dissertation can be utilized for further research in the context of evolving asylum structures. Recent changes in EU migration policy, the war in Ukraine, and the first practical use of Temporary Protection for Ukrainian refugees shed new light on the research findings presented. Analyzing the issue of forced labor among ARs in the context of these changes can expand the understanding of the problem in social and political sciences.

On April 10, 2024, the European Parliament approved the new Migration and Asylum Pact. This comprehensive framework aims to reform the EU's approach to migration and asylum. Key aspects of the pact include significant changes to border security, the establishment of common asylum procedures across all EU member states, the introduction of new criteria for determining which country is responsible for processing an asylum application, and mechanisms to prevent secondary movements. Additionally, the policy emphasizes enhanced cooperation with countries of origin and transit to address the root causes of migration, including strengthening partnerships to manage borders, facilitate returns, and combat migrant smuggling (European Parliament, 2024).

The New Pact on Migration and Asylum has sparked considerable debate among humanitarian organizations, human rights defenders, and migration experts, who argue that it exacerbates existing harmful mechanisms (IRC, 2023; PICUM, 2023; Woolrich, 2024; Micinski, 2024). The Pact emphasizes accelerated and border procedures, dispersed responsibility, and delegation to other states, along with the concept of safe third countries. Identified risks include those associated with accelerated procedures, which potentially lead to inadequate assessments, limited access to rights and legal assistance, increased instrumentalization of migrants, higher numbers of detentions and confinement in border detention centers, and potentially unjust deportations (Woolrich, 2024; Micinski, 2024; Michelet, 2024).

The Pact introduces "solidarity mechanisms without solidarity," placing disproportionate burdens on border states (Micinski, 2024). Moreover, the Pact's focus on improved registration to control secondary movements within the EU presents challenges. Border states might avoid thorough registration to evade responsibility for asylum claims unless they receive support from Northern and landlocked states. This

²³⁵ Temporary Protection is "exceptional measure to provide immediate and temporary protection in the event of a mass influx or imminent mass influx of displaced persons from non-EU countries who are unable to return to their country of origin". Created in the aftermath of the conflicts in the former Yugoslavia, it was first launched in response to the Russian invasion in Ukraine, with the aim of helping fleeing refugees. It outlines the rights granted to beneficiaries, including a residence permit for the duration of the protection, access to the asylum procedure, employment opportunities, suitable accommodation, social welfare support, healthcare, education for minors, family reunification possibilities, access to banking services, and limited freedom of movement within the EU (Council Directive 2001/55/EC of 20 July 2001). See more at: <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2001:212:0012:0023:EN>

reluctance, known as the “wave-through approach,” highlights the need for balanced responsibility-sharing among EU members (Mazzola, 2020; Maiani, 2019).

Researchers indicate that this is a continuation of delegating responsibility (Micinski, 2022), commercializing responsibility (Szulc and Szymaniak, 2021), and sovereignty (Gammeltoft-Hansen, 2013) within EU asylum policy. This perpetuates existing inequalities, including those affecting Italy. By focusing primarily on securitization and deportation, the Pact may neglect necessary protections for asylum seekers and refugees. Critics argue that the reforms will institutionalize inequalities, instrumentalize migration crises, and overlook real gaps in migration management (Micinski, 2024; Scruggs, 2024).

Experts have raised concerns that the new migration laws may lead to an increase in deaths at sea, as migrants might resort to more perilous routes to evade detention and interception by authorities (Micheletti, 2024)²³⁶.

Furthermore, the new regulations complicate search and rescue operations by assigning responsibilities to countries with poor human rights records, such as Libya, Tunisia, and Egypt (ibid., 2024). In 2023, over 50 NGOs expressed serious concerns about the Pact, highlighting potential violations of fundamental human rights (PICUM, 2023). "The EU's new asylum rules are unlikely to make the current system more humane and effective, or less controversial" (Scazzieri, 2024). The New Migration Pact incorporates practices identified in this study as harmful to the rights of ARs and exposing them to forced labor. Hence, it is essential to investigate how these changes will affect the issue of exploitation among displaced populations.

Another topic requiring scientific exploration is the impact of using temporary protection for refugees from Ukraine. The effectiveness of this approach is gaining scholarly attention (Vasyl et al., 2024; Woods and Yeared, 2023). Examining whether different procedural approaches in refugee governance could have varying effects on forced labor and exploitation would be a significant step, expanding the conclusions of this dissertation. Data from international organizations monitoring the situation of Ukrainian refugees in host countries indicate that Ukrainian refugees in Poland increasingly face exploitation, despite access to the labor market and rights not guaranteed under traditional international protection (IRC, 2023, 2024; UNHCR, 2024). The temporary and precarious nature of temporary protection has been identified as a drawback (IRC, 2024; Bilousov and Woolrych, 2023).

In 1999, Luca already highlighted the challenges of combining "temporariness" with "protection" during the humanitarian crisis in the former Yugoslavia. Investigating the relationship between temporary protection and exploitation could significantly enhance our understanding of the processes shaping forced

²³⁶ According to IOM data, 28,000 people have died or gone missing in the Mediterranean Sea since 2014. This makes the Mediterranean route the deadliest for migrants. The Missing Migrants Project, part of the IOM, specializes in monitoring deaths and disappearances on migration routes. For more information, visit: <https://www.migrationdataportal.org/themes/migrant-deaths-and-disappearances>.

labor among ARs and contribute to the discipline's development. Researchers should also focus on Third Country Nationals and non-Ukrainian refugees, who faced additional challenges during forced migration from Ukraine and under Temporary Protection (Bilousov and Woolrych, 2023; IRC, 2024).

The methodological framework I developed, based on grounded theory and a mixed methods approach, is versatile enough to be applied in other contexts and in different countries. A subsequent step could involve triangulating the dissertation's findings using the quantitative survey I prepared (see Appendix 5). If researchers in social sciences and political science wish to understand the reasons for exploitation among asylum seekers and refugees, this dissertation demonstrates that they should continue exploring individual asylum procedures and the effects of changes within them. Addressing these research gaps will provide a comprehensive understanding of the interplay between asylum policies and forced labor. This will help develop more effective interventions and policies to protect the rights and well-being of ARs.

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ANNEX

Appendix 1. *PRISMA 2022 Checklist from Systematic Review*

Appendix 2. *Systematic Review Protocol*

Appendix 3. *Tables with synthesized studies from the Systematic Review*

Appendix 4. *Focus Groups Protocols*

Appendix 5. *Survey for further research*



Appendix 1. PRISMA 2020 Checklist

Section and Topic	Item #	Checklist item	
TITLE			
Title	1	Identify the report as a systematic review.	YES
ABSTRACT			
Abstract	2	See the PRISMA 2020 for Abstracts checklist.	YES
INTRODUCTION			
Rationale	3	Describe the rationale for the review in the context of existing knowledge.	YES
Objectives	4	Provide an explicit statement of the objective(s) or question(s) the review addresses.	YES
METHODS			
Eligibility criteria	5	Specify the inclusion and exclusion criteria for the review and how studies were grouped for the syntheses.	YES
Information sources	6	Specify all databases, registers, websites, organisations, reference lists and other sources searched or consulted to identify studies. Specify the date when each source was last searched or consulted.	YES
Search strategy	7	Present the full search strategies for all databases, registers and websites, including any filters and limits used.	YES
Selection process	8	Specify the methods used to decide whether a study met the inclusion criteria of the review, including how many reviewers screened each record and each report retrieved, whether they worked independently, and if applicable, details of automation tools used in the process.	YES
Data collection process	9	Specify the methods used to collect data from reports, including how many reviewers collected data from each report, whether they worked independently, any processes for obtaining or confirming data from study investigators, and if applicable, details of automation tools used in the process.	YES
Data items	10a	List and define all outcomes for which data were sought. Specify whether all results that were compatible with each outcome domain in each study were sought (e.g. for all measures, time points, analyses), and if not, the methods used to decide which results to collect.	YES
	10b	List and define all other variables for which data were sought (e.g. participant and intervention characteristics, funding sources). Describe any assumptions made about any missing or unclear information.	YES
Study risk of bias assessment	11	Specify the methods used to assess risk of bias in the included studies, including details of the tool(s) used, how many reviewers assessed each study and whether they worked independently, and if applicable, details of automation tools used in the process.	YES
Effect measures	12	Specify for each outcome the effect measure(s) (e.g. risk ratio, mean difference) used in the synthesis or presentation of results.	YES
Synthesis methods	13a	Describe the processes used to decide which studies were eligible for each synthesis (e.g. tabulating the study intervention characteristics and comparing against the planned groups for each synthesis (item #5)).	YES
	13b	Describe any methods required to prepare the data for presentation or synthesis, such as handling of missing summary statistics, or data conversions.	YES
	13c	Describe any methods used to tabulate or visually display results of individual studies and syntheses.	YES



Appendix 1. PRISMA 2020 Checklist

Section and Topic	Item #	Checklist item	
	13d	Describe any methods used to synthesize results and provide a rationale for the choice(s). If meta-analysis was performed, describe the model(s), method(s) to identify the presence and extent of statistical heterogeneity, and software package(s) used.	YES
	13e	Describe any methods used to explore possible causes of heterogeneity among study results (e.g. subgroup analysis, meta-regression).	N/A
	13f	Describe any sensitivity analyses conducted to assess robustness of the synthesized results.	N/A
Reporting bias assessment	14	Describe any methods used to assess risk of bias due to missing results in a synthesis (arising from reporting biases).	YES
Certainty assessment	15	Describe any methods used to assess certainty (or confidence) in the body of evidence for an outcome.	YES
RESULTS			
Study selection	16a	Describe the results of the search and selection process, from the number of records identified in the search to the number of studies included in the review, ideally using a flow diagram.	YES
	16b	Cite studies that might appear to meet the inclusion criteria, but which were excluded, and explain why they were excluded.	YES
Study characteristics	17	Cite each included study and present its characteristics.	YES
Risk of bias in studies	18	Present assessments of risk of bias for each included study.	N/A
Results of individual studies	19	For all outcomes, present, for each study: (a) summary statistics for each group (where appropriate) and (b) an effect estimate and its precision (e.g. confidence/credible interval), ideally using structured tables or plots.	N/A
Results of syntheses	20a	For each synthesis, briefly summarise the characteristics and risk of bias among contributing studies.	N/A
	20b	Present results of all statistical syntheses conducted. If meta-analysis was done, present for each the summary estimate and its precision (e.g. confidence/credible interval) and measures of statistical heterogeneity. If comparing groups, describe the direction of the effect.	YES
	20c	Present results of all investigations of possible causes of heterogeneity among study results.	N/A
	20d	Present results of all sensitivity analyses conducted to assess the robustness of the synthesized results.	YES
Reporting biases	21	Present assessments of risk of bias due to missing results (arising from reporting biases) for each synthesis assessed.	N/A
Certainty of evidence	22	Present assessments of certainty (or confidence) in the body of evidence for each outcome assessed.	YES



Appendix 1. PRISMA 2020 Checklist

Section and Topic	Item #	Checklist item	
DISCUSSION			
Discussion	23a	Provide a general interpretation of the results in the context of other evidence.	YES
	23b	Discuss any limitations of the evidence included in the review.	YES
	23c	Discuss any limitations of the review processes used.	YES
	23d	Discuss implications of the results for practice, policy, and future research.	YES
OTHER INFORMATION			
Registration and protocol	24a	Provide registration information for the review, including register name and registration number, or state that the review was not registered.	YES
	24b	Indicate where the review protocol can be accessed, or state that a protocol was not prepared.	YES
	24c	Describe and explain any amendments to information provided at registration or in the protocol.	N/A
Support	25	Describe sources of financial or non-financial support for the review, and the role of the funders or sponsors in the review.	YES
Competing interests	26	Declare any competing interests of review authors.	YES
Availability of data, code and other materials	27	Report which of the following are publicly available and where they can be found: template data collection forms; data extracted from included studies; data used for all analyses; analytic code; any other materials used in the review.	

From: Page MJ, McKenzie JE, Bossuyt PM, Boutron I, Hoffmann TC, Mulrow CD, et al. The PRISMA 2020 statement: an updated guideline for reporting systematic reviews. *BMJ* 2021;372:n71. doi: 10.1136/bmj.n71
 For more information, visit: <http://www.prisma-statement.org/>

APPENDIX 2. Systematic Review Protocol

Sources/Sponsor – No funding.

INTRODUCTION

Objectives:

1. Systematically map the database on forced labor of asylum seekers and refugees, identifying its key features, scope, gaps, strengths, and weaknesses.
2. To synthesize key research.

PICO/PEO Research Questions:

The review addresses two main questions:

1. What is the overall state of the empirical evidence base on the scale and nature of forced labor (O) of asylum seekers and refugees (P) and its relationship to the asylum system (E)? (Systematic map)
2. What can we learn from key research findings on the scale and nature of forced labor (O) of asylum-seekers and refugees (P) and its relationship to asylum and migration policy (E)? (Synthesis)

METHODS

Eligibility criteria

For the systematic map:

1. Publication date (between 2015 - 2021)
2. Accessibility (Full text accessible)
3. Broad relevance (Addresses modern day labor exploitation/forced labor and uses data generated from 2000 onwards)
4. Specificity (Contains material specifically about forced labor of asylum seekers and refugees)
5. Language (English)
6. Empirical data (must contain empirical data).
7. No double counting (Is the single most relevant and empirically rich publication from a given study)

For the synthesis:

1. Research meets basic scientific standards – must contain ‘scientific research’.
2. No double counting – must not be a systematic review.
3. Focused results around forced labour and asylum – must contain disaggregated, extractable, substantive, empirical evidence on the issue.

Most of the results came from databases and were returned in a format suitable for review based on title and abstract. This allowed for pre-selection, prior to full-text review. For the text analysis, I used a qualitative coding method using MAXQDA software.

Information sources

Complementary search strategies, considering as many reliable databases as possible. The search includes following databases:

1. Scopus
2. Web of Science
3. ASSIA (Applied Social Sciences Index and Abstracts)
4. IBSS (International Bibliography of the Social Sciences)
5. NCJRS (National Criminal Justice Reference System) Abstracts Database
6. Continental Europe Database
7. Criminal Justice Database
8. Springer Journals Database
9. JSTOR
10. Proquest

Additionally, a manual search of selected journals will be conducted, that contain human trafficking and refugee research but were not (fully) indexed in the above databases. These are: *Journal of Refugee Studies*, *Forced Migration Review*. Third, I will search the contents of major bibliographies. Moreover, I will systematically search the footnotes contained in the mapped and synthesized publications.

Search strategy

Search terms:

Due to differences in search functionality, different search strings may be used for the database searches and the electronic searches of key journals.

The search structure and **keywords used for the database searches** (title, abstract, keyword basis) are as follows:

asylum seeker OR refugee AND forced labour OR/ AND exploitation OR sexual exploitation OR labour exploitation OR human trafficking OR slavery (AND host country)

The following terms were used to search within each journal:

- “Forced labour”/”forced labor”
- “Labour exploitation”/”labor exploitation”
- “Modern slavery”
- „Asylum”/„asylum”
- „Asylum seeker/„asylum seeker”
- „Refugee”/„refugee”
- Sexual exploitation/„sexual exploitation”

The research focuses on forced labor of asylum seekers and refugees in host countries. Thus, they do not address research of when these individuals were trafficked/exploited in transit or prior to their forced migration. They concern instead their situation and exploitation in the host country. This means that the review covers cases of people who met the asylum system and at some stage of their stay in the host country - became victim of human trafficking for forced labor (including forced prostitution).

Studies excluded:

- Reports and gray literature due to its habitual over-interpretation in the context of human trafficking and forced labor.
- Research that involved trafficking before the host country or that involved migrants without a clear indication of contact with the asylum system.
- Research that did not include ARs, as a population.

Study records (Data extraction - selection and coding)

***Selection process**

***Data collection process**

Stages of the two-level review

Pre-screening: titles and abstracts checked by one reviewer, doubts resolved by discussion and consensus with a potential second reviewer.

Full text screening: Due to limited resources, most of the deep coding will be performed by one reviewer (the author), following inclusion/exclusion criteria. To ensure the reliability and replicability of the process, a random sample of publications (approximately 5-10% of the sample) will be double coded later by a second reviewer. Disagreements will be resolved with a third reviewer, if necessary.

Data extraction - Two reviewers will extract the relevant data. A reviewer will assess the quality and relevance of the extraction based on a 5-10% sample of the extracted papers. Disagreements will be resolved among reviewers.

Areas of data extraction:

The review took a two-stage form, so it includes systematic mapping and synthesis.

Systematic mapping will occur using the data extraction form developed by Cockbain et al. (2019) and subtly adapted for this review.

Coding framework for the systematic map

Category of interest	Variable(s) coded
Identifying data	<ul style="list-style-type: none"> ▪ Unique identifying code ▪ Title of publication ▪ Name of author(s)
Date of publication	<ul style="list-style-type: none"> ▪ Year of publication
Authorship	<ul style="list-style-type: none"> ▪ Affiliation of first or only author (e.g. academia, non-governmental organisation)
Format of publication	<ul style="list-style-type: none"> ▪ Mode of publication (e.g. journal article, report)
Source of publication	<ul style="list-style-type: none"> ▪ Through which search strategy was this publication located (e.g. SCOPUS, journal searches)
Type of enquiry	<ul style="list-style-type: none"> ▪ Research design (qualitative, quantitative, mixed methods)
Geographical coverage	<ul style="list-style-type: none"> ▪ Single or multiple country enquiry ▪ If made explicit, the total number and list of countries included in the research (as sources of primary or secondary data)
Focus of publication	<ul style="list-style-type: none"> ▪ On which aspects to forced labour of ARs empirical information was provided and what was its relation to asylum and migration policy.

Source: own compilation based on: Cockbain et al. 2018

Outcomes and prioritization (Main Outcomes)

Aim is to identify and synthesize available evidence about the following areas:

- database on forced labor of asylum seekers and refugees,
- characteristics of the phenomenon among these individuals,
- strengths and weaknesses of published research in this area,
- explored relationships of the international protection system and migration/asylum policies, with the incidence of human trafficking.
- implications for asylum seekers and refugees,
- recommendations for anti-trafficking research and interventions for a particular group of forced migrants.

Risk of bias in individual studies

The studies included in the review will be evaluated through a quality assessment. Based on this, papers will be included or excluded from the review.

Quality assessment tool

Question	Score
Does the study have a clear, explicit, and feasible research question(s) or statement of intent(s)	Each question scored as follows: 0= Publication does not meet the criterion and/or does not contain sufficient information to assess whether it meets the criterion at all 1= Publication partially meets the criterion and/or only contains information permitting a partial assessment of whether it meets the criteria 2= Publication fully meets the criterion
Is the overall study design clear and appropriate?	
Have ethical considerations been explicitly discussed and properly managed?	
Is the sampling method explicit and appropriate?	
Is the sample itself adequate?	
Is the analytical procedure transparent and appropriate?	
Are the results clear and precise?	
Are limitations identified and accounted for?	
Are the conclusions properly grounded in the results?	

Source: Adapted from: Cockbain (2018) and Oram et al. (2012)

At the same time, PRISMA's recommendations for performing assessments of risk of bias are considered. The assessment will be conducted by at least 2 persons. Follow-up training in bias assessment will be provided for the third reviewer. All reviewers have previously conducted a systematic review.

Data Synthesis

I will use the thematic analysis for the synthesis, although I admit the need for a narrative synthesis method. If possible and appropriate, however, I will also employ statistical techniques.

After some descriptive analysis (e.g., the number of studies on specific forms of forced labor and the main concepts that emerge, and the relationship to the international protection system), I will use the findings for broader analysis. I will synthesize the findings to create one comprehensive summary.

Coding framework for the synthesis

Category of interest	Variable(s) coded
Focus	<ul style="list-style-type: none"> ▪ What was the hypothesis, research question(s) or statement of intent?
Methods	<ul style="list-style-type: none"> ▪ Study design (e.g. interviews, surveys, experiments) ▪ Primary and/or secondary data ▪ Unit(s) of analysis ▪ Sampling method ▪ Sample size ▪ Characteristics of participants ▪ The specific sub-sectors of labour trafficking, if any, that were covered in the study
Definition	<ul style="list-style-type: none"> ▪ Study definition of labour exploitation/trafficking
Key findings, conclusions and recommendations	<ul style="list-style-type: none"> ▪ Key findings ▪ Main conclusions ▪ Any recommendations made for a) researching and b) response

Source: own compilation based on: Cockbain et al. 2018

All the data will be recorded using an MAXQDA software.

Meta-bias(es)

In the review I consider the occurrence of several 'non-reporting biases' such as Publication bias, Language bias, Multiple (duplicate) publication bias, Location bias, Selective (non-) reporting bias. Meta-bias issues will be addressed in the limitations.

Confidence in cumulative evidence

The included texts of the final studies selected for detailed synthesis will be coded following our adopted quality assessment framework (based on the work of Cokcain et al. 2018). The framework includes an assessment of the study on a three-point scale (0=poor, 1=medium, 2=good) based on criteria including relevance to the current review, clarity, and appropriateness of the study design (broken down by sampling, method, ethics, etc.), and strength of the conclusions drawn. To a large extent, the questions correspond with the GRADE method.

Studies with a low score (less than 50%) will be excluded. In addition to assessing bias in individual studies, potential sources of bias (e.g., publication bias, language bias) will be explicitly discussed in the results of the review.

Context:

Host state: research on human trafficking and forced labor in countries of origin and migrant transit is quite common. That's why I chose the host-state perspective. A host-state is a state that hosts forced migrants (in our case, asylum seekers and refugees) and on whose territory these individuals stay at least until and during the asylum procedure (as a minimum).

Forced labour: I intentionally use the definition of *forced labour* (instead of just *human trafficking*) because it allows to capture the multiplicity of exploitation's forms of asylum seekers and refugees. Therefore, when I refer to „forced labour” it includes:

- severe labour exploitation,
- human trafficking and its forms, such as:
 - - commercial sexual exploitation (forced prostitution),
 - - trafficking in human beings for the purposes of exploitation and forced labour.

International protection system: It is understood as the set of procedures, practices, set of policies, and legal frameworks (among other things, in the field of migration/asylum policy) that characterize the reception of people seeking international protection within the host-state.

I've created the protocol in accordance with PRISMA 2015 guidelines for protocols.

Appendix 3. Tables with the synthesised studies

Table: Design of the synthesised studies

Authors and year	Key foci	Countries covered	Nature of data used	Methods used	Study design	Sampling	Overall sample	Definition of labour exploitation
Vickers 2015	<p>An analysis of the change in UK asylum policy between 1999 and 2010: forced dispersal, the ban on gainful employment for asylum seekers and increases in migrant detention - as elements that produce a repressive system that can contribute to worker exploitation.</p> <p>Analysis through the lens of political economy and imperialism.</p>	UK	Primary&Secondary	Interviews with MARs and experts and Focus Groups	Qualitative	No information provided	18 refugees	No information provided
Sager 2015	<p>Focuses on the intersections between migration/asylum processes.</p> <p>It uses the concept of precarity to examine interviewee experiences with migration and (informal) labour.</p> <p>Analysis the way the policy changes ('queue-jumping' reform) came to create links between asylum and labour migration policies.</p>	Sweden	Primary	<p>Participant Observation,</p> <p>Interviews with ARs and Experts</p> <p>(Case study of Mira)</p>	Qualitative	The only info provided: researcher's involvement with NGOs and activists fighting for migrants' rights.	10 refused Asylum Seekers and 9 asylum rights activists	No information provided

Authors and year	Key foci	Countries covered	Nature of data used	Methods used	Study design	Sampling	Overall sample	Definition of labour exploitation
Donghyuk Park 2015	<p>Introduces the new term of "<i>working asylum seeker</i>" - define as those who benefit from the temporary protection of a host country, where they not only have claimed asylum but also have constrained legal rights to work, and who are nevertheless engaged in jobs in the formal/ informal sector.</p> <p>The situation of Bangladeshi working asylum seekers in Paris, caught in legal and economic limbo.</p> <p>Explore how French refugee policy, which is thought to protect the rights of asylum seekers, in fact imposes constraints that increase their legal and economic vulnerability.</p>	France & Bangladesh (nationality)	Primary	Interviews, Participant observation, Ethnographic study	Qualitative	Purposive, part of the fieldwork and ethnography research	16 representative interviews (from 40) with male Bangladeshi MARs	None.

Authors and year	Key foci	Countries covered	Nature of data used	Methods used	Study design	Sampling	Overall sample	Definition of labour exploitation
<p>Waite, Lewis, Hodkinson Dwyer 2016</p>	<p>Explores the survival strategies of refused asylum seekers, and how they negotiate survival within destitution.</p> <p>It explores informal support structures, and the nature of exploitation, and the way in which migrants managed to resist poor treatment at work.</p>	<p>UK</p>	<p>Primary</p>	<p>Interviews</p>	<p>Qualitative</p>	<p>Purposive</p>	<p>30 ARs participants (12F 18M), aged between 21 and 58 years, who came from 17 countries in Africa, the Middle East, Central Europe and South and Central Asia.</p>	<p>None.</p>

Authors and year	Key foci	Countries covered	Nature of data used	Methods used	Study design	Sampling	Overall sample	Definition of labour exploitation
<p>Lewis, Waite, Hodkinson 2017</p>	<p>Examines the development of new restrictions on the everyday lives of refused asylum seekers and irregular migrants in the UK.</p> <p>Focuses on the intersection of employment and immigration (and socio-legal) status. Explores changes in access to housing, health services, banking, and legal aid, and increasing penalties for irregular work.</p> <p>It specifically analyzes the Immigration Acts of 2014 and 2016, which may contribute to increased labor exploitation among asylum seekers and irregular migrants.</p> <p>Explores the links between irregular migration and asylum, and the links between immigration policy and susceptibility to Forced Labour.</p>	<p>UK</p>	<p>Primary</p>	<p>Participant Observation and in-depth interviews with MARs and experts</p>	<p>Qualitative</p>	<p>Purposive, after the participant observation</p>	<p>30 MARs + 23 Experts</p>	<p>ILO</p>

Authors and year	Key foci	Countries covered	Nature of data used	Methods used	Study design	Sampling	Overall sample	Definition of labour exploitation
Pelek 2019	<p>Working and living conditions of working Syrian refugees in Turkey that favor their relative vulnerability compared to other seasonal workers.</p> <p>Examines the unequal relationships among ethnically diverse workers in the agricultural sector. Also examines the consequences of emergence of Syrian refugees as a new social class. It focuses on the implications for the refugees themselves.</p>	Turkey & Syrian (nationality)	Primary	<p>Participant observation,</p> <p>Ethnography research,</p> <p>Interviews with MARs and Experts,</p>	Qualitative	Purposive, Snowball sampling	111 workers: Syrians, Kurds, Romanies and Turks, + Interviews with 28 employers, 16 labour intermediaries and 13 representatives from state agencies and NGOs = 168	None.
Mona 2019	<p>Explores how the governing of precarious (asylum seekers) migrants in Sweden operates through different constructions of time and displays migrants 'own understandings of their and society's time. How migrants ' precarity makes them exposed to various temporal techniques of governing, such as acceleration or deceleration of time.</p> <p>Examines constructions of time used in governing migrants. Analyzes migrants' perceptions of their own and society's time.</p>	Sweden	Primary	Focus Groups with Interviews and Survey	Mixed	Interviews were conducted as part of a project in a specific municipality of Sweden.	Focus groups with 456 respondents who have applied for asylum in Sweden.	ILO

Authors and year	Key foci	Countries covered	Nature of data used	Methods used	Study design	Sampling	Overall sample	Definition of labour exploitation
Melossi 2021	<p>Explores the nexus between migration and agriculture through a case study of Sub-Saharan African migrants working in the tomato fields in Italy (Tomato Ghettos).</p> <p>Examines the ways in which migrants are subject to differential inclusion in society, are segregated and marginalized in borderline areas of invisibility to create an exchangeable workforce out of non-citizens.</p>	Italy	Primary	Participant observation, Interviews	Qualitative	Purposive	67 interviews with shantytown residents, and locals, volunteers, NGO experts, Radio Ghetto activists	None.
Freedman 2015	<p>Explores the 'mismanagement' of refugee camps in Calais following the closure of the Jungle. Analyzes the creation of insecurity through inaction. Addresses issues of borders, their production and management, and the theory that accompanies them.</p> <p>Analyzes how France and the UK's failure to apply a long-term solution in the region, inaction and inadequate policies can be a form of violence against refugees.</p> <p>Addresses concepts of structural violence and borders.</p>	France	Primary and Secondary	Participant observation, and interviews with MARs and experts	Qualitative	Purposive	42 + unspecified number of interviews with experts	None.

Authors and year	Key foci	Countries covered	Nature of data used	Methods used	Study design	Sampling	Overall sample	Definition of labour exploitation
Canning 2020	<p>Explores the relationship between the UK's repressive asylum system and the impact on facilitating violence against women seeking asylum, rather than providing protection. Analyzes the harm caused by coercive control structures established by the state and its amorphous relationship with corporations.</p> <p>Explores gendered differences in trajectories of violence and abuse that women face. It analyzes state decision-making, drawing comparisons between domestic violence and mapping the experiences of research participants.</p>	UK	Primary	<p>In-depth semi-structured Interviews,</p> <p>Ethnographic research</p>	Qualitative	Purposive	<p>74 interviews with border agents, psychologists, support worker, refugee rights activists and other actors of the asylum system in UK, Denmark, Sweden</p> <p>(no gender info, but reference to previous publications)</p>	None.

Authors and year	Key foci	Countries covered	Nature of data used	Methods used	Study design	Sampling	Overall sample	Definition of labour exploitation
Wyss & Fischer 2021	<p>Engages with the violent conditions deriving from neoliberal trends in European migration and asylum governance.</p> <p>Explore how continuous precarity, in conjunction with an integration imperative, affects the lives of Afghan refugees in Germany and Switzerland. Researchers use theories of cultural and structural violence.</p>	Switzerland, Germany & Afghans (nationality)	Primary	Observation and Semi-structured Interviews	Qualitative	Purposive	Interviews with 37 Afghans	None.
Waite & Lewis 2017	<p>It joins a discussion of the <i>sharing economy</i> in neoliberal capitalist societies, incorporating into the picture the situation of the precarious and insecure - irregular migrants denied asylum in the UK. Seeks to answer why irregular migrants are caught up in the precarity.</p> <p>Explores relationships within transactional work, ranging from beneficial to repeatedly exploitative.</p> <p>Explores the way moral and sharing economies reproduce social structures cultural norms and relationships, from freedom, to imprisonment.</p>	UK	Primary	Participant Observation, In-depth Interviews	Qualitative	Purposive	Interviews with 30 MARs	ILO

Authors and year	Key foci	Countries covered	Nature of data used	Methods used	Study design	Sampling	Overall sample	Definition of labour exploitation
Pradella, Cillo 2020	<p>The impact of NATO's war with Libya and the militarization of EU borders in the Mediterranean on the expansion of labor exploitation and informal agricultural labor.</p> <p>Links between the neocolonial system and Libyan resource extraction and the expansion of a reserve army of workers.</p>	Italy	Primary/Secondary	Focus Groups, Interviews (In-depth, Semi-structured)	Qualitative	Purposive	43 MARs, experts, NGOs, employers of agribusiness, journalists, anti-racist activists.	None
Lewis, Dwyer, Hodkinson, Waite 2015	<p>Explores inter-connections between neoliberal work and welfare regimes, asylum and immigration controls, and the exploitation of migrant workers.</p> <p>What is precarity and hyper-precarity and how does it relate to working lives? How might we understand the causes of extreme forms of migrant labour exploitation in precarious lifeworlds? How can we adequately theorize these experiences using the conceptual tools of forced labour, slavery, unfreedom and precarity?</p>	UK	Primary/Secondary		Qualitative	-	-	Important part of the work. ILO definition and critique. Discussion on conceptualization of forced labour/unfree labour.

Authors and year	Key foci	Countries covered	Nature of data used	Methods used	Study design	Sampling	Overall sample	Definition of labour exploitation
Kemp 2017	Explores the development of vulnerability to human trafficking among African irregular-status migrants in Malta. Explores the ways in which European asylum policy can contribute to the vulnerability to trafficking among asylum seekers.	Malta	Primary	Ethnography study, Participant Observation. Interviews	Qualitative	Purposive during ethnography study	60 interviews with MARs and experts (NGO and stakeholders)	UN Definition of Human Trafficking, UN Palermo Protocol
Bales, Mayblin 2018	This paper focuses on unfree labour within immigration detention in the UK, offering an original national case study as well as a new conceptual framework for analyzing such practices. Analysis of the ‚hyper-precarious‘ conditions of asylum seekers within detention system.	UK	Secondary	Documentary analysis of a case study	Qualitative	Without the intention of universal representativeness, but the goal of exploring the phenomenon. Use and analysis of relevant secondary data.	Analysis of international instruments, national case law, parliamentary debates, minimum wage regulations, parliamentary inquiries, analysis of Home Office guidance, analysis of detainee testimony (through Cooperate Watch).	ILO, and critique. Focus on the definition of „unfree labour“.

Authors and year	Key foci	Countries covered	Nature of data used	Methods used	Study design	Sampling	Overall sample	Definition of labour exploitation
<p>Galloway et al 2015</p>	<p>On the case study of Eritrean asylum seekers in Israel study explores how political and economic marginalization increases the risk of sexual and other forms of violence and exploitation.</p> <p>This study provides an example of the effects of political and economic marginalization on violence against women.</p> <p>Addressed the theoretical lens of structural violence, and the “structural vulnerability”.</p>	<p>Israel & Eritrea (nationality)</p>	<p>Primary</p>	<p>Focus Groups, Interviews</p>	<p>Qualiative</p>	<p>Purposive</p>	<p>37 individual interviews and 8 focus groups with 44 participants</p>	<p>None.</p>

Authors and year	Key foci	Countries covered	Nature of data used	Methods used	Study design	Sampling	Overall sample	Definition of labour exploitation
Mai 2016	<p>An analysis of the views of migrant sex workers on Hollande's new law criminalizing clients as part of the fight against human trafficking. Developes - how the problematisation of gendered social issues can operate as migration control mechanisms, and legitimise 'carceral' and repressive antitrafficking humanitarian interventions.</p> <p>Research introduces the concept of 'sexual humanitarianism' to focus on the sexual salience of humanitarian migration control. Analysis of the ways groups of migrants are strategically problematised, supported and face intervention from local, national, and international humanitarian institutions.</p>	France, Nigeria (Nationality), UK, EU	Primary	<p>Survey, Semi-structured interviews,</p> <p>Participant observation,</p> <p>Etnofiction (2 movies) and Etnofiction workshops, exploring the life histories of young Nigerian women selling sex in Paris.</p>	Mixed approach	Purposive, during ethnographic study and <i>etnofiction</i> workshops	500 migrants and sex workers, 100 semi structured interviews with sex workers migrant/no	Discussion on unfree/forced and free labour, in context of sex sector and human trafficking. Palermo Protocol.
Janmyr 2016	<p>The legal status of Syrian refugees in Lebanon, in light of regulatory changes.</p> <p>The issue of sponsorship and the production of vulnerability to exploitation and the lack of legal and regulatory safeguards for refugees.</p>	Liban & (Syrian and Palestine as nationality)	Primary/Secondary	<p>Semi-structured interviews,</p> <p>Fieldwork in Liban</p>	Qualitative	Purposive, during fieldwork	50 MARs and experts, activists and employees	None.

Authors and year	Key foci	Countries covered	Nature of data used	Methods used	Study design	Sampling	Overall sample	Definition of labour exploitation
Dwyer et al 2016	<p>Summary of key aspects and indicators of forced labour. The significance of socio-legal status in constructing such migrants as inherently vulnerable to severe exploitation.</p> <p>The role of socio-legal status in facilitating forced labour among migrants who have claimed asylum in the UK. Stratified system of rights – or civic stratification.</p>	UK	Primary	Interviews with MARs	Qualitative	Purposiv, non-random sampling strateg	30 interviews with MARs with different status	ILO and discussion on the forced labour concept
James 2021	<p>A literature review that synthesizes existing qualitative literature documenting the impact of social policies/social protection that discriminate against asylum seekers on their well-being and interactions with the labor market or meeting basic needs.</p> <p>How local, semi-formal and informal interventions (social protection) impact the wellbeing of adult asylum seekers and refugees.</p>	EU	Secondary	Qualitative systematic review was conducted using a meta-aggregation approach in accordance with the Joanna Briggs Institute (JBI) methodology	Sistematic Literature Review (SLR)	Specific selection criteria	Out of 556, 23 articles were finally selected for review	None

Authors and year	Key foci	Countries covered	Nature of data used	Methods used	Study design	Sampling	Overall sample	Definition of labour exploitation
Hodkinson, Lewis, Waite, Dwyer et al 2021	<p>Analysis of the Modern Slavery Act in UK, hostile policy towards asylum seekers and refugees, entrapment within severe labour exploitation. Explores the concept of the state as a <i>third-party enslaver</i> through hostile environment policies that structure migrants to exploitation.</p> <p>The role of hostile state policies in the rise of exploitative and forced labour amongst irregular migrants over the past two decades (review). Effectiveness of the MSA 2015's 'rescue state' approach vis-à-vis victims of 'modern slavery'</p>	UK	Primary	In depth interviews with MARs	Qualitative	Purposive during ethnography study	30 interviews (12 F, 18 M). Information about nationality and age. 23 interviews used.	ILO and discussion on the forced labour concept

Table: Key evidence from the synthesised studies (n=22) and assessment of the strength of that evidence

	Key evidence					
Authors and year	Key findings	Main conclusions	Recommendations for research	Recommendations for responses	Score	Comments on strength of evidence
Vickers 2015	<p>A. Refugees hold an indefinite class position, forming a so-called reserve army of workers.</p> <p>B. The arrival of forced migrants in the UK breaks with the discipline of the immigrant labor army and contradicts the neoliberal terms of mobility. It changes the way migration is governed.</p> <p>C. Asylum policy thus combines with the deprivation of refugees' rights and enforces their dependence on the host state. Along with it, it forces their responsibility to be re-disciplined into a 'reserve army of workers'.</p> <p>D. Being a refugee is characterized by insecurity and dependence on the state, enforced by the ban on gainful employment.</p> <p>E. Interview participants portrayed their experiences with the UK asylum process as irrational, unclear and unfair. The complexity of procedures and bureaucracy covers up the fact that the formally "fair"</p>	<p>Since 1999, government policy has countered the development and integration of MARs in the UK by breaking up existing networks based on refugees' countries of origin (e.g., by making it harder to work).</p> <p>If allowed to stay, they can be integrated into a more regulated but still exploited part of the working class. If they are denied asylum, they are likely to face destitution and highly exploitative employment conditions.</p> <p>By undermining rights to remain in the UK and access to resources based on human need rather than labor market demand, it also creates the conditions for more intense labor exploitation of other migrants.</p>	Not made.	Not made.	11/18	<p>No information provided about type of questions asked and very little information about participants. The conclusions are consistently based on empirical data. No information has been provided concerning the methodology other than its qualitative nature and the listing of methods. Limitations not addressed.</p>

	Key evidence					
Authors and year	Key findings	Main conclusions	Recommendations for research	Recommendations for responses	Score	Comments on strength of evidence
	process is in practice designed to fail all but a few.					

	Key evidence					
Authors and year	Key findings	Main conclusions	Recommendations for research	Recommendations for responses	Score	Comments on strength of evidence
Sager 2015	<p>A. Participant experiences - highlight the double character of labour as exploitative, while offering the possibility of enhanced security.</p> <p>B. Even precarious work can reduce insecurity related to income, housing and health. Although the workplace is characterized by exploitation, it also carries the possibility of increased security. Precarity is produced in this ambiguous meeting.</p> <p>C. Precarisation is a general process in a gendered, radicalised and flexi-bilised labour market affecting workers with all forms of legal status. But the fear of deportation, along with other aspects of irregularity, reinforces the precarity experienced by irregular workers further.</p>	<p>Irregular conditions produce vulnerability in other situations. Irregular migrants may be more vulnerable to crime because they cannot reach out to authorities for assistance. This general vulnerability is a part of the continuum of life that is exploited in the case of irregular migrants. "Precarity of life".</p> <p>The link between refugee migration and labour migration regulation becomes reinforced when the latter is used as a political tool to avoid taking responsibility for restrictive asylum assessments and human rights violations inside and along the borders of the Schengen area.</p> <p>Informal and precarious work is not only confined to undocumented workers and should not be understood as a marginal phenomenon, but rather as central to the organisation of the labour market in the global neo-liberal order.</p>	<p>There is a need for a thorough analysis of the interrelationship of migration, asylum rights and work in the daily lives of migrants through the effects of these policies.</p> <p>Understanding not only how migration policies affect the lives of migrants, but also how they regulate labour market interests and mobilise migration as a tool for managing public opinion and democratic deficits.</p>	Not made.	7/18	<p>No information provided about type of questions asked and very little information about participants. Methods are listed, but ethnographic research is not described.</p> <p>The analysis was applied through one representative case. It has been justified.</p> <p>Limitations not addressed.</p>

	Key evidence					
Authors and year	Key findings	Main conclusions	Recommendations for research	Recommendations for responses	Score	Comments on strength of evidence
Park 2015	<p>A. 'Working asylum seekers' share their legal vulnerability with those 'undocumented', and 'irregular migrants' who are all vulnerable to precarious legal-social conditions.</p> <p>B. These working asylum seekers, operating on the street, represent the contemporary figure of precarious, temporary, unauthorized, and deportable aliens.</p> <p>C. The absence of the right to work in the initial asylum process makes work in the ethnic economy appear to increase income levels. Paradoxically leaves migrants vulnerable to criminalization, forced to conform to state powers of control and punishment (following Foucault).</p> <p>D. Seeking work in the formal sector raises legal constraints.</p>	<p>Street vending provides temporary financial security and the opportunity to seek other potentially better work and legal protection. At the same time, it can be a dangerous strategy, as migrants become victims of a system, they themselves co-create.</p> <p>Applying for asylum is perceived as an alternative to obtaining a temporary residence permit. It remains the least desirable strategy for many economically desperate asylum seekers, as it prohibits them from legally accessing the local labour market.</p> <p>The institutionalized processes of refugee policy, bureaucracy and limited access to legal rights increases the vulnerable conditions of working asylum seekers in France.</p>	<p>More investigation is needed on migration trajectories, the specific strategies used to enter France and how these strategies have affected migrants' legal and economic integration.</p> <p>Bangladeshi asylum migration to France remains under-researched.</p>	<p>Current French refugee policy should extend asylum seekers' right to access the formal labour market.</p>	13/18	<p>Comprehensive description of the research sample.</p> <p>Sufficiently described methodology.</p> <p>Justified choice of methods. Ethical issues addressed. Limitations not addressed.</p>

	Key evidence					
Authors and year	Key findings	Main conclusions	Recommendations for research	Recommendations for responses	Score	Comments on strength of evidence
Waite, Lewis, Hodkinson Dwyer 2015	<p>A. Common experiences of exploitation (excessive working hours, withheld pay or abusive working and living conditions, were achieved by the employer's instrumental use of the worker's precarious socio-legal status.</p> <p>B. Respondents linked exploitation to two aspects of threat to socio-legal status: 'the doctrine of illegality' and 'deportation in everyday life'.</p> <p>C. The decision to start irregular paid work can be dictated by a crisis, or by a combination of factors such as: the need to send remittances, legal costs of asylum and the desire to contribute cash to host families.</p>	<p>Refused asylum seekers routinely experience enforced destitution due to the intentional restriction of their rights.</p> <p>The exploitation of vulnerable refused asylum seekers is sometimes so chronic that it amounts to 'hyper-exploitation'.</p> <p>Exploitation may be intensified by current proposals to change labor laws. They increase impunity for employers and middlemen in the UK.</p> <p>Standardised techniques of state power (e.g., detention and deportation) reduce migrants to 'a deeply internalised way of being', which is used by the state as a disciplinary mechanism.</p>	<p>The debate on unfree migrant labor must combine the importance of the role of global inequality in the pathways to the precariat with an analysis of how socio-legal status conditions and creates vulnerability to exploitation.</p>	<p>Not made.</p>	<p>16/18</p>	<p>Rich empirics and well described research sample, and interviews conducted. Ethical considerations were taken into account. Limitations were not indicated.</p>

	Key evidence					
Authors and year	Key findings	Main conclusions	Recommendations for research	Recommendations for responses	Score	Comments on strength of evidence
Lewis, Hodkinson, Waite 2017	<p>A. The analyzed changes in the legislature generate an environment of hostility toward migrants and facilitate the flourishing of labor exploitation (especially of precarious migrants, including rejected asylum seekers). The erosion of basic rights to welfare, work, and income undermines their position, ultimately producing hyper-precarity.</p> <p>B. Respondents who were victims of exploitation and forced labour form a spectrum of different socio-legal statuses. All of them, however, claimed asylum at different times to regularize their status, and out of fear of persecution in their place of origin.</p> <p>C. Severe labour exploitation happens among refugees with rights to remain and the ability to legally access work and welfare. Regularization of the status does not resolve labour exploitation among migrants when not coupled with improvements to universal labour rights.</p>	<p>Our research indicates that creating an increasingly hostile environment by insourcing immigration controls through exclusion from formal banking and housing, and measures to prevent access to public services, will generate further exploitation—particularly for those in the asylum system.</p> <p>Immigration Act 2014 and 2016 has resulted in growing workplace exploitation, the facilitation of discrimination, the damaging of race relations and the deepening of societal intolerance.</p> <p>In the case of refused asylum seekers who do not have the right to work and who cannot return to their country of origin, their destitution is an intentional outcome of immigration policy, an outcome of which is to trap them in the UK as a super-exploitable workforce. Widespread workplace abuses function as part of a broader environment of precarious labour that makes movement along a continuum of exploitation towards forced labour more likely.</p>	Not made.	Not made.	16/18	Rich empirics and well described research sample, and interviews conducted. Ethical considerations were considered. Limitations were not indicated.

	Key evidence					
Authors and year	Key findings	Main conclusions	Recommendations for research	Recommendations for responses	Score	Comments on strength of evidence
Pelek 2019	<p>A. Vulnerability factors of Syrian refugees in Turkish agriculture are poverty and dispossession, fear of deportation, dependency on labour intermediaries, language problems, conflicts between different worker groups and the marginalization of Syrian refugees and finally, fear of death and violence.</p> <p>B. The obedience in the hosting state and acceptance of all inequalities are in close relation to their first motivation of migration.</p> <p>C. Having an experience with violence shapes not only their departure, but also their docility in labour relations.</p>	<p>Syrian agricultural workers are the most vulnerable group among seasonal migrant workers. This relates to push and pull factors, the concept of bargaining power they have, fear of deportability, and their paradox status.</p> <p>Syrians face unfair working conditions (including harmful agency) in terms of wages, working hours, and housing in the surveyed parts of agricultural Turkey.</p>	<p>If quantitative data is obtained, a study that argues Split Labour Market Theory, Dual Labour Market Theory or Group Conflict Theory would make a significant contribution to the literature.</p>	<p>Recommendations on the legal status of Syrian refugees, about human rights.</p> <p>The agrarian market should be regulated by the state and informal employment banned, recommendations on labor inspection.</p> <p>General improvement of legislation on agricultural workers.</p>	15/18	<p>A well-described ethnographic study and a large research sample. Inference seems to fall short of the full potential of the data collected. Limitations and ethical issues are addressed.</p>

<p>Mona 2019</p>	<p>A. The economic uncertainty of precarious migrants is a result of relations of domination, economic exploitation and/or violence interacting together with different discourses of gender, race, ethnicity, class, sexuality, and nationality.</p> <p>B. Newly arrived migrants are particularly exposed to the new precarization. Many of them live precarious lives, stay in asylum accommodation, are unemployed or are taking a disproportionate share of jobs where they have short-term contracts or no contracts at all. Migrants in Western industrial nations often live under situations that are marked by a lack of security and illustrate precarity in its 'uncertainty' dimension.</p> <p>C. The ordering of time in migrants' lives involves technologies of governing, such as the waiting for a decision in regard to their application for asylum and the specific introduction plans that the migrants need to follow in order to secure an income.</p>	<p>The temporality of the Swedish settlement program can be read in the context of the precarity of the migrant population. Precarious migrants accept the government's temporalities and become 'waiting subjects'. The new migrants are categorized temporally and are 'figured' as people who are 'at the start' of becoming better settled into their new country. It is far from certain that the temporality of this figuration—waiting subject—is best suited to give migrants more secure lives.</p> <p>Not only do the instruments of governing involve constructions of time and temporalities, but precarious migrants are disciplined against and sometimes come to embody the society's perspectives on time.</p> <p>Theory used: concepts of time, precarity and precarization. References to Foucault theory of time governance and to the concept of <i>governmental precarization</i>.</p>	<p>Not made.</p>	<p>Not made.</p>	<p>14/18</p>	<p>Big sample, with hard-to-reach group. Well-reasoned methodology and grounding in theoretical approaches. Arguments and inferences correspond with extensive primary data. There was no explanation why focus groups were conducted, a not not just interviews. Limitations were not addressed, nor ethic issue.</p>
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<p>Melossi 2021</p>	<p>A. Sub-Saharan migrants are included in the labor market - only at a subordinate level - and excluded from access to basic rights. Both undocumented and 'refugee' Sub-Saharan migrant workers fall into the category of 'non-citizens.'</p> <p>B. The presence of non-citizens has shifted the notion of a border from the external boundary of state sovereignty to a complex system of internal borders that divide and challenge the state itself.</p> <p>C. Refugization of agriculture in Italy. The failure of the quota system to meet the agricultural demand has been offset by the growing number of asylum seekers making the decision to cross the Mediterranean Sea'.</p> <p>D. Even if some have been granted refugee status, despite their protection and status they are integrated into society at a subordinate level in the category of exploited workers.</p> <p>E. The refugee is included in the informal labor market but denied the full range of labor and civil rights.</p>	<p>Sub-Saharan forced migrants - today's workers are subject to high levels of exploitation at work. On top of that, they are controlled by processes of subjugating, conditional inclusion, and exclusion from society. This affects all aspects of their lives.</p> <p>The market needs workers, a reserve army of citizens, working at low wages. On the other hand, security policies and a culture of racism deprive these workers of their rights and identity, reducing them to a state of invisibility.</p>	<p>Not made.</p>	<p>Higher wages and better working conditions are what migrants need and seek in order to be able to better cope with the reality of the system of control which permeates their lives.</p> <p>Changes in the system of control would require not only long-term efforts, but massive cultural and political changes in Italian society.</p>	<p>14/18</p>	<p>Well-described ethnographic study and a large research sample. Inference seems to fall short of the full potential of the data collected. Limitations and ethical issues are not addressed.</p>
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	Key evidence					
Authors and year	Key findings	Main conclusions	Recommendations for research	Recommendations for responses	Score	Comments on strength of evidence
Freedman 2015	<p>A. Prolonged "temporality" in which refugees are trapped and the degraded living conditions they face can be understood as a kind of structural violence against MARs.</p> <p>B. Violence can be understood as indirect, but it is not abstract. The refugees themselves are aware of it and recognize it. They often compared the experience of life in the Calais camp to the brutal abuse and traumas suffered in countries of origin, or to their tragic journeys into Europe.</p> <p>C. The productive forces of refugees and migrants themselves are constantly repressed and constrained by the violent production and reproduction of borders.</p>	<p>The politics of destroying the "Jungle" in Calais can be understood as part of <i>this game of borderlands</i>. It is part of a long-standing and historically rooted practice.</p> <p>The border can be a space in which the constant reproduction and transformation of practices of "management" and repression leads to the production of new forms of violence and insecurity for refugees.</p> <p>Border security has led to precarious conditions for the refugees themselves in Calais, making life difficult for the activists helping them.</p>	Not made.	Not made.	11/18	<p>No information provided about type of questions asked and very little information about participants, and no number of interviews with experts.</p> <p>Methods are listed. Limitations are briefly addressed, ethics no. Argumentation has the characteristics of untapped potential.</p>

<p>Canning 2020</p>	<p>A. (Structural) state-corporate harm - here it means that states develop harmful structures to contain and control migrant bodies, but corporations increasingly enact the policing, control and confinement of these bodies.</p> <p>B. Asylum is not gender neutral. Men also experience harm when seeking asylum. Women disproportionately experience intersectional oppression.</p> <p>C. Immigration law and policy often work to minimize autonomy at the ground level. Dependence on spousal visas or housing and finances can exacerbate dependence on men, including violent men.</p> <p>D. Corrosive control is the everyday stripping of autonomy and humanity that occurs throughout the process of seeking asylum in the UK. Research emphasizes that a more amorphous relationship between the state and corporations in terms of border control, coercive controls can be introduced into the lives of women asylum seekers.</p>	<p>Rather than embed humanitarian protection, the structural architecture of the process of seeking asylum in Britain can inflict further harms. At the micro-level, it erodes human autonomy, infantilizes adults, and enforces dependency.</p> <p>Corporations and the British government have a lot of structural power in governing migration. But they still have obligations to protect refugees. This contradictory disconnect represents the nature of the UK approach to asylum. Like many perpetrators of domestic violence - it reflects the unstable, variable corrosive nature of internal borders.</p> <p>Coercive control, a culture of threat and compliance, the potential for repercussions, and the uncertainty of safety in the home all are reflective of definitions of domestic violence. They are also the key mechanisms of control adopted by the British state (including the Home Office and UK Visas and Immigration) and the corporations and policing bodies working on their behalf.</p>	<p>Not made.</p>	<p>Not made.</p>	<p>13/18</p>	<p>Justified sampling. Large for inaccessibility of the group. Ethical issues were maintained. Limitations of the study were not indicated. Ethnographic study description is sparse.</p>
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<p>Wyss & Fischer 2021</p>	<p>A. The exploitation of undocumented migrants can be a process, not a one-time event. After leaving a harmful job, they often move on to another with the same conditions. Afghans are increasingly forced to earn the right to remain based on performance in the labor market, rather than obtaining humanitarian protection.</p> <p>B. Those with insecure legal status are forced to meet neoliberal integration requirements to avoid deportation.</p> <p>C. State-led assessments of deservingness in economic terms confront participants with a form of structural violence. They reinforce structural inequalities and put pressure on certain groups of people to perform in a way that satisfies economic demands but disregards the particular needs and vulnerabilities of individuals in precarious condition.</p>	<p>Migrants need to prove is deservingness based on economic performance, rather because of their vulnerability. Such conditions are strongly shaped by the neoliberal integration imperative and its impact on the modes of reception that refugees confront.</p> <p>Although a principal aim of asylum legislation is protection from violence in terms of persecution and physical harm - the way asylum legislation is employed and transformed contributes to other -often tacit forms of violence.</p> <p>Data reveal how nation-states induce violence by declining responsibility towards asylum seekers and actively producing hostile conditions to deter unwanted migrants via temporary protection schemes, "unattractive" reception conditions and minimum rights policies.</p> <p>„The logic of the human hierarchy" determines how states define who counts and who does not. States fulfill their legal obligations to asylum seekers to the bare minimum, a point where migrants are merely kept from physical death, albeit often with long-term consequences.</p>	<p>Data elucidate the need for continued research on lasting conditions of violence and their detrimental effects on individual chances of living and becoming.</p>	<p>Not made.</p>	<p>15/18</p>	<p>Methods are listed. Limitations were addressed and ethics too. Sample is justified, not big, but its nature is hard to reach. Arguments are well based on the empiric data.</p>
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	Key evidence					
Authors and year	Key findings	Main conclusions	Recommendations for research	Recommendations for responses	Score	Comments on strength of evidence
Waite & Lewis 2017	<p>A. Sharing activities with migrants in precarious situations and statuses are often based on asymmetrical social relations that serve to reduce outcomes for the migrants themselves.</p> <p>B. The absence of basic citizenship rights of irregular migrants creates and sustains a situation of dependency on the support and charity of others.</p> <p>C. Exploitative interpersonal relationships should not prevent the recognition of the structural production of vulnerability and unbalanced labour relations.</p> <p>D. The concept of hyper-precarity should be linked to the role of the state in pushing migrants into transactional relationships to avoid the paid labour market, where they risk detection and deportation.</p> <p>E. The lives of the highly vulnerable sub-sector of migrants in the UK are quickly oriented towards survival.</p>	<p>The moral economies of donation and sharing within transactional labor create and reproduce social structures, cultural norms, and relationships that situate people on a spectrum of freedom and exploitation.</p> <p>Structural affects such as immigration regimes creating illegality, deportability, and enforced destitution are likely to act in combination with a set of more interpersonal shapers such as hosts acting purely altruistically or with a creeping desire to extract “value” from the guest.</p> <p>Migrants often access essential support through informal networks, often of an exchange and transactional nature, where food and housing are provided in exchange for an explicit or implicit expectation of return.</p> <p>Restrictive immigration and asylum policies play an important role in creating socio-economic disparity, making the UK government complicit in the creation of a vulnerable workforce.</p>	<p>The distinction between house guest and paid or unpaid domestic worker is a useful one that should be drawn out more in the literature.</p>	<p>Giving asylum seekers the right to work would provide an important starting point for reducing their susceptibility to forced labor.</p>	17/18	<p>Strong exploratory study into under-researched topic. Transparent and appropriate design and clear reporting. Limitation and ethics addressed.</p>

<p>Pradella, Cillo 2020</p>	<p>A. The militarization of EU borders has strengthened the militias involved in smuggling, reinforcing the system of detention, and forced labor. It both traps' migrants in Libya and pushes them toward Europe where agricultural and retail corporations' benefit from cheap labor.</p> <p>B. Replacing workers with asylum seekers helps explain the proliferation of slave labor in Italian agriculture over the past decade. Immigrants' experiences in Libya have also encouraged them to mobilize and reclaim their collective rights.</p> <p>C. Given the sharp reduction in work quotas, immigrants sought to get a regular status through asylum, as reflected in the sharp increase in the number of African agricultural workers with a humanitarian permit.</p> <p>D. Agri-business and retail corporations operating in Italy benefitted from the continuing importation of gas and workers from Libya, whose vulnerability was enhanced by the violence experienced in Libya and by Italy's increasingly restrictive immigration and asylum policies.</p>	<p>This analysis highlights the inter-linkages between immigrants' experiences of unfree labour in Libya and Italy. The former can play a disciplining role, as they make labour conditions in Italy seem an improvement.</p> <p>In assessing Italy's role in the creation of conditions for forced labor, the full range of activities must be considered, including those carried out in Libya or transferred to Libyan entities, for example in the context of migration policy.</p> <p>The expansion of the agricultural reserve army after 2007/8 and 2011 enabled employers to substitute part of the workforce with asylum seekers, under-mining the achievements of previous labour struggles. Formal and informal labour intermediation is expanding.</p> <p>The Salvini Decree increased the vulnerability of asylum-seekers by excluding them from the decentralized state reception system and cramming them into emergency reception centres.</p>	<p>Not made.</p>	<p>Not made.</p>	<p>13/18</p>	<p>Innovative theoretical approach, though untapped empirical potential. Small sample size but well justified. Use of interesting secondary data sources. Ethical issues ignored. Limitations were addressed.</p>
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<p>Lewis, Dwyer, Hodkinson, Waite 2015</p>	<p>A. Migration processes and immigration restrictions compound precarity to produce various <i>unfreedoms</i> that can close any real and acceptable alternative to engage in exploitative labour.</p> <p>B. Poverty and debt, pressures to support family, low expectations of treatment at work, lack of or low levels of education, low social position, mode of recruitment into employment and mode of entry into the destination country may render certain migrants more susceptible to exploitation in unfree labour. These factors may then be compounded in the destination country by compromised socio-legal status, lack of knowledge of rights, lack of access to information, isolation from society, dependence on the employer, loss of or changes in employment, and debt accrued in migration – contributing to movement along a continuum of unfreedom towards forced labour.</p>	<p>What differentiates the position of migrants in the Global North from other precarious workers is that they find themselves at the nexus of both employment and immigration precarity.</p> <p>Deregulated labor markets and the need for cheap labor, coupled with restrictive immigration and asylum policies, structure the incidence of insecurity and hyper-insecurity among migrants and asylum seekers.</p> <p>For MARs who fall victim to the complex interaction of labor laws and hostile asylum and protection policies, the possibility of slave labor may be the only alternative to survive in the host society.</p> <p>Processes of multi-dimensional, overlap-ping employment and immigration insecurities can deepen precarity in unfree labour, leaving some migrants in hyper-precarity</p> <p>Understanding migrants' engagement in exploitative labour must take into consideration their transnational social status, migration strategies alongside subsequent constraints on citizenship imposed through immigration regimes</p>	<p>Minor forms of exploitation can escalate into a more serious forced labor (empirical nature) as well as the need to recognize extreme exploitation as products of violated residence, labor and welfare rights and labor market insecurity, not as an exception (political and structural nature).</p> <p>Research must respond by critically analyzing citizenship to reveal the intentional exclusion of migrants in host-countries, while paying attention to global perspectives beyond nation-state boundaries to explore how transnational social positions and livelihood pressures contribute to the need to engage in unfree labor.</p>	<p>Not made.</p>	<p>15/18</p>	<p>Good and sound argumentation. Indication of ethical issues. Limitations not included.</p>
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	Key evidence					
Authors and year	Key findings	Main conclusions	Recommendations for research	Recommendations for responses	Score	Comments on strength of evidence
Kemp 2017	<p>A. African irregular migrants are vulnerable to human trafficking because of long-term confinement in "enclaves of immobility" that is produced indirectly through the immigration system and the migration-security complex.</p> <p>B. The pursuit of illegal means to leave Malta has contributed to the development of three models of trafficking (labor and sexual exploitation of migrants in Malta & Italy, the patterns of transactional sex and exploitation between 'fake couples', the so-called exploitation of Somali status.</p> <p>C. Status exploitation: Somali women, by virtue of their recognized subsidiary protection or refugee status, were vulnerable to exploitation by the same forms of humanitarian status designed to reduce their vulnerability.</p>	<p>Status exploitation practices are not defined by the transportation of victims for financial gain by organized sex trafficking groups, but rather by meeting the political needs of those who have failed to gain access to jobs, long-term residency, or social and governmental financial support.</p> <p>A new phenomenon where the desired commodity may not be sex, but status. Although this does not preclude further consequences of exploitation.</p> <p>Malta's migration policies that promote exclusion, forms of poverty and desperation have put irregular status persons at risk of exploitation through trafficking in Malta, or in attempts to flee into Europe. Malta has become a point of transition where asylum seekers are vulnerable to exploitation through long waits and the confinement of their mobility in a vacuum/limbo.</p>	<p>To explore the unclear territory boundaries of these conceptualisations that do not lend themselves to easy definition or categorisation.</p> <p>Further research may continue to explore the unforeseen risks of exploitation that migratory policies may generate at the nexus between patterns of human smuggling.</p>	Not made.	14/18	<p>A robust sample of a hard-to-reach population. Justification and sufficient description of ethnographic research. Commitment to fieldwork commendable. Limitations and ethics addressed. Argument not really exploited, but lots of interesting data results.</p>

	Key evidence					
Authors and year	Key findings	Main conclusions	Recommendations for research	Recommendations for responses	Score	Comments on strength of evidence
Bales, Mayblin 2018	<p>A. Hyper-precarity alongside a number of structural <i>unfreedoms</i>, renders migrant-detainees more willing to accept low-paid jobs, despite their own recognition that such practices are exploitative. Uncertainty about the length of detention contributes to the positioning of MARs as hyper-precarious and more likely to accept labor exploitation.</p> <p>B. Immigration detainees are legally prohibited from working after release (unless they are allowed to stay), the impact of their work in prison can have a paradoxical effect-pushing them into more exploitative forms of "illegal" work after release.</p> <p>C. Working in detention involves entering the facility's internal "labor market," where pay rates are set low, but such work represents the only opportunity to earn money and thus meet needs.</p>	<p>Working in immigration detention is an example of state-sanctioned exploitation, coercion, and bonded labor among a population group characterized by high levels of insecurity. Detention centres may not constitute forced labour, but that it is an example of state-sanctioned exploitative, coercive and unfree labour.</p> <p>Although detained immigrant labor cannot be considered to meet the conditions of forced labor as defined by the ILO, detainee labor can be considered slave labor, through immigration status intersects with social, economic, and legal relations to create hyper-precarity among the asylum detainee population.</p> <p>Although detention work is circumvented by law-and legal-it is a form of exploitation that inevitably emerges from the hyper-precarity produced by exclusionary immigration regimes and international political-economic power relations.</p>	Not made.	<p>Detainees should be legally recognized as workers and have access to labor protections, including the national minimum wage.</p> <p>The inclusion of worker rights protections would be welcome but would not change the nature of slave labor in the system.</p>	14/18	Limitations indicated, if only by the difficulty of access to detention centers caused, for example, by their privatization.

	Key evidence					
Authors and year	Key findings	Main conclusions	Recommendations for research	Recommendations for responses	Score	Comments on strength of evidence
Galloway et al 2015	<p>A. Israel's restrictive immigration policies laid the foundation for the political and economic marginalization of asylum seekers. This manifested in limited access to institutional support during and after arrival, and hindered access to formal employment.</p> <p>B. The Israel's decision to grant provisional status with a stipulation banning Eritreans from the formal work sector was perceived to create direct and indirect conditions for a heightened sense of structural vulnerability, particularly for women. This has increased the risk of sexual & domestic violence, and the risk for the exploitation.</p> <p>C. Participants identified the political exclusion resulting from provisional status and the consequent economic exclusion from the formal workforce as the 2 principal factors shaping their risk of sexual violence and exploitation.</p>	<p>Israel's immigration policies may contribute to women asylum seekers' vulnerability to sexual violence and exploitation upon arrival in their host country. The informal policy of returning female asylum seekers without providing support compounds their insecurity and vulnerability.</p> <p>One consequence of systemic exclusion has been an increase in sexual violence against Eritrean women (both by Israelis and other migrants). This also has repercussions in terms of economic exploitation, and gender and racial structural discrimination shaped in society.</p> <p>Structural violence has implications not only for their risk of sexual violence and exploitation, but also, depending on the nationality and level of authority of the perpetrator, their recourse for legal or other institutional protection.</p>	<p>Areas of future research might include an exploration of factors influencing the well-being of male Eritrean asylum seekers (also highly marginalized), but may face distinct challenges.</p> <p>Zimmerman's model, future research could more explicitly explore whether experiences at the destination stage of the migration cycle were compounded by experiences of sexual violence during the pre-departure and travel stages.</p>	<p>Provide more permanent legal status for asylum seekers and allow them to work formally without interruption. Provide asylum seekers with social support in the form of government-sponsored safe housing.</p> <p>Provide an informational function for asylum seekers about the risks of exploitation and the importance of reporting such cases.</p>	17/18	<p>Justification for the use of FGs and interviews. Thorough description of procedures for data acquisition and analysis. Ethical issues are addressed, even in conducting interviews and analysis. Limitations of the research were pointed out. Strong representation of voices of migrants themselves, worth appreciating. Some of the conclusions seem not deep enough for material collected.</p>

	Key evidence					
Authors and year	Key findings	Main conclusions	Recommendations for research	Recommendations for responses	Score	Comments on strength of evidence
Mai 2016	<p>A. To gain recognition of their rights by humanitarian institutions and organizations (and avoid deportation) - migrants narrativize their subjectivities according to standard humanitarian scripts of victimhood, vulnerability, gender/sexuality, acting as "biographical boundaries" between deportation and access to social support, legal documentation, and work.</p> <p>B. Most female respondents indicated deciding on sex work based on economic problems and lack of legal status (documents).</p> <p>C. This highlights the uselessness of the neoliberal free/forced dichotomy, which is overruled by the needs and socio-economic and cultural priorities in the realities of the global South, shared by migrants.</p>	<p>The epistemological and migratory trajectories of Nigerian women remind us that for agency to make sense it must be seen as a socio-culturally situated capacity for action.</p> <p>Sexual humanitarian interventions separating agency from exploitation risk becoming complicit with migration controls and sex work repressive measures that exacerbate migrant sex workers' vulnerability to being exploited.</p> <p>Further criminalization and marginalization of the sex industry will exacerbate, not diminish, the extent of exploitation. Many sex workers, especially migrants, will become more dependent on middlemen and gatekeepers to continue working and remain in the UK.</p>	Not made.	Not made.	13/18	Large study group and interesting mixed methodology. Innovative use of ethnofiction methodology. Includes description of questions and ethnographic research. Conclusions do not always correspond with massive empirical data. Limitation and ethic highly addressed.

	Key evidence					
Authors and year	Key findings	Main conclusions	Recommendations for research	Recommendations for responses	Score	Comments on strength of evidence
Janmyr 2016	<p>A. The 2015 regulatory changes leave many refugees in a very precarious legal position. Not only is the potential for exploitation of Syrians increased with the use of the sponsorship system, but Syrian refugees are treated differently based on their financial situation.</p> <p>B. The list of reasons identified by the government "aims to deny entry to poorer Syrians, while keeping the borders open for those who are financially well off."</p> <p>C. The relationship between the one who sponsors and the Syrian - resembles that of child and child, or master and servant. The fear of deportation and dismissal forces Syrians to agree to escrowed conditions.</p>	<p>The new migration criteria for staying in Lebanon are so restrictive that few can afford to stay legally and renew their permits. Syrians have two options: either leave the country or stay and accept former exploitation and marginalization.</p> <p>The introduction of the sponsorship system, or the so-called <i>kefala</i> system, exacerbates vulnerability to being subjected to government-sanctioned exploitation. This has led to the trafficking of sponsorship and the exploitation of workers.</p> <p>"Manufacturing vulnerability" - meaning that the policy aims to strip various groups of their fundamental rights in order to reject their presence and facilitate their exploitation.</p>	Not made.	Not made.	12/18	Sparse description of field research and lacks much information about the interviews themselves and their participants. Conclusions not always clearly based on empirical evidence.

<p>Dwyer et al 2016</p>	<p>A. The variation in decisions to enter unfree/forced labor indicate the "varieties of unfreedom" that flow from constrained socio-legal status and make forced labor more likely to occur among migrants who lack access to basic social rights, including the right to work.</p> <p>B. The threat of reporting and deportation functions as a direct and indirect disciplinary tool in exploitative employment relationships among the migrant group analyzed.</p> <p>C. Many employers deliberately employ undocumented migrants to lower minimum wage rates and not suffer the consequences.</p> <p>D. The granting of refugee status or other international protection does not at all guarantee reduced precariousness, although it potentially eliminates the fear of refoulement or illegality. Nevertheless, a number of structural factors, including poor coordination between institutions dealing with housing, access to social housing.</p>	<p>The stratification of rights, that socio-legal status engenders within asylum policy, helps to create the broader labour market conditions in which all those who have passed through the asylum system, regard-less of outcome, are regularly viewed by certain ruthless employers as members of a highly exploitable, low cost and expendable workforce.</p> <p>Immigration policy, and the differential socio-legal status it creates at different stages of the asylum process, helps to create conditions in which serious exploitation and forced labour can thrive among asylum seekers and refugees in the UK.</p> <p>Socio-legal status and associated constrained or non-existent rights to residence, work and welfare thus operate, both directly (in the case of employers making open threats to denunciate workers to immigration authorities), but also indirectly to discipline workers. It occurs for example by closing their ability to challenge or exit workplaces routinely characterised by forced labour practices.</p>	<p>Not made.</p>	<p>Not made.</p>	<p>18/18</p>	<p>Comprehensive ly described and justified methodology, while maintaining all ethical issues and considering limitation. Justified and described sample selection. Insightful argumentation and conclusions based on empirical data.</p>
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	Key evidence					
Authors and year	Key findings	Main conclusions	Recommendations for research	Recommendations for responses	Score	Comments on strength of evidence
James 2021	<p>A. ASRs reported that volunteer activities led to better identity formation, community integration, skill development, weekly routines, and friendships, which some respondents then linked to hope for the future and improved psychological well-being.</p> <p>B. Volunteering catalyzed a complex causal chain of positive influences satisfying multiple human needs for protection, attachment, participation, creation, identity, and freedom.</p> <p>C. Informal social protection and the accompanying formation of friendships, as well as the resulting opportunity to share the burden of subsistence, was the main positive impact that led to improved psychological and physical well-being and personal circumstances.</p>	<p>Government support is inadequate for ARs, leading to disempowerment, inaction, and exploitation. Positive wellbeing outcomes are linked to semi-formal and informal interventions, summarized in six categories: positive impact of volunteering; physical space and intentional gathering; practical and material support; training and skills development; solidarity, inclusion and understanding; and counselling.</p> <p>A major inhibiting factor was inadequate formal social protection support (including government) - length of the application process, lack of financial support for those denied refugee status, inability to work, lack of knowledge/understanding of the system, fear and how these resulted in dependence on semi-formal and informal social protection support. This dependency led to shame, unequal power dynamics between those providing and those receiving support, and in some cases led to ASRs entering transactional or exploitative relationships to meet their basic livelihood needs.</p>	<p>The meta-aggregation highlighted the limited nature of the literature providing first-hand accounts of the impact of participation in semi-formal/ informal social protection on the wellbeing of ARs in the UK.</p> <p>Given the negative effects of government social protection policies deterring ARs, further research is needed on the role of semi-formal and informal social protection in meeting the basic human needs of ARs, on the role of ARs as providers of peer support.</p>	<p>The findings related to disempowerment and uneven power dynamics between service user and provider should also receive further attention in the construction of semi-formal support services. Further work needs to be done on the impact of gainful employment restrictions on meeting ASR needs.</p>	14/18	<p>The necessary elements of SLR are covered - including methods of selection and inclusion and exclusion, methods of analysis of included articles, and necessary criteria. The groups of 'findings' are clearly presented. Necessary justifications have been made, but there is a lack of limitation issues.</p>

	Key evidence					
Authors and year	Key findings	Main conclusions	Recommendations for research	Recommendations for responses	Score	Comments on strength of evidence
Hodkinson, Lewis, Waite, Dwyer et al 2021	<p>A. Analysis suggests that the state played three core roles in structuring respondents severely exploitative work experiences: State-facilitated compulsion to enter precarious work. Transactional arrangements also emerged as part of the landscape of survival traversed by several interviewees. The state manufactured systemic vulnerability by removing rights and social protections of asylum seekers and refugees.</p> <p>B. Interviewees experienced their vulnerable immigration status being used by others to entrap them in forced labour by creating fear of denunciation to the authorities. In some cases, constrained socio-legal status was actively constructed by third party intermediaries to create both material and psychological control over some-one to exact forced labour through what we call 'identity bondage'</p>	<p>The British government is currently following two completely divergent political and jurisdictional paths. It publicly declares itself against modern slavery, while overseeing both further deregulation of the British labor market and an increase in exclusionary asylum and immigration policies in an environment hostile to migrants. These underpin the exploitation of asylum seekers, refugees, and illegal migrants in general.</p>	<p>Not made.</p>	<p>The right to work to both asylum seekers and rejected asylum seekers who cannot be returned to their country of origin, so that they can legally meet their basic needs and enjoy the legal protection and rights afforded to male and female workers.</p> <p>This must go hand in hand with the state providing "comprehensive" asylum support up to the point of return, ensuring access to legal aid and providing legal representation during the processing of asylum claims, and improving the quality of asylum decision-making, as all these elements are crucial to ending asylum seeker poverty.</p> <p>Granting all irregular migrants indefinite residence permits with full rights to stay, work, and claim benefits. We also mean wiping out any criminal record for illegal work or other crimes of need, such as stealing food or squatting while destitute and homeless.</p>	<p>16/18</p>	<p>Small research sample but justified. Strong argumentation and reporting of methods. Ethical issues and limitations addressed.</p>

Appendix 4. Focus Groups Protocols

Protocollo di Focus Group (Italiano)

1. Indica due punti di forza e due di debolezza del sistema di protezione internazionale nella tua regione.
2. Secondo Lei, lo status socio-legale può avere un impatto sul problema del lavoro forzato? In che modo?
3. Secondo Lei, alcune delle modifiche di politica d'asilo in Italia (dopo il 2015) hanno avuto un impatto sul problema del lavoro forzato di richiedenti asilo e rifugiati nella tua regione?
4. Come il processo di arrivo/ingresso e registrazione può ridurre/aumentare il problema del lavoro forzato di richiedenti asilo e rifugiati?
5. Come il processo di identificazione può ridurre/aumentare il problema del lavoro forzato di richiedenti asilo e rifugiati?
6. Come la prima accoglienza può ridurre/aumentare il problema del lavoro forzato di richiedenti asilo e rifugiati?
7. Come la seconda accoglienza può ridurre/aumentare il problema del lavoro forzato di richiedenti asilo e rifugiati?
8. Come i processi di integrazione possono ridurre/aumentare il problema del lavoro forzato di richiedenti asilo e rifugiati?
9. Cosa bisognerebbe cambiare per ridurre il problema del lavoro forzato di richiedenti asilo e rifugiati?

Focus Group Protocol (English)

1. Can you indicate two strengths and two weaknesses of the international protection system in your region?
2. In your opinion, can socio-legal status impact the problem of forced labor? How?
3. In your opinion, have any asylum policy changes in Italy (after 2015) impacted the problem of forced labor of asylum seekers and refugees in your region?
4. How can the arrival/entry and registration process reduce/increase the problem of forced labor of asylum seekers and refugees?
5. How can the identification process reduce/increase the problem of forced labor of asylum seekers and refugees?
6. How can the initial reception phase reduce/increase the problem of forced labor of asylum seekers and refugees?
7. How can the secondary reception phase reduce/increase the problem of forced labor of asylum seekers and refugees?
8. How can integration processes reduce/increase the problem of forced labor of asylum seekers and refugees?
9. What changes should be made to reduce the problem of forced labor of asylum seekers and refugees?

Appendix 5. Survey for further research

Survey: Forced Labour and ARs

The survey is **anonymous**. It takes between 8-10 minutes to complete.

I. Aim

This survey aims to assess the functioning of the different elements of the **international protection system** in 5 categories (entry and registration processes, identification and recognition of protection, first and second reception and intersectoral cooperation).

The main purpose of the study is to determine the relationship between the international protection system and the labor exploitation of ARs. It answers the questions: whether and how the asylum system affects the incidence and forms of labour exploitation among ARs in Italy.

The results of the research will also be used to create **recommendations** for other EU countries, including Poland.

The survey is divided into different stages of asylum procedures. The purpose is to evaluate the various mechanisms/procedures during each of these stages.

II. Persons and institution in charge

The research is carried out by Natalia Szulc - as part of her PhD thesis. The representing institution is Adam Mickiewicz University in Poznań, Poland.

III. Data storage:

Data will be organised by MAXQDA software and stored on the organisation's cloud, with double encryption, exclusively accessible to the research author. For up to 5 years after completion of the research.

IV. Data usage

Data will be used (by researcher) for PhD dissertation, and scientific article/monography. They remain anonymous.

Contact: natszu@amu.edu.pl

IV. Definitions

Forced labour=labour exploitation

In this survey, I exchangeably use the terms "*forced labor*" and "*labor exploitation*". I mean by that the multiplicity of exploitation's forms among asylum seekers and refugees, like severe labour exploitation, forced labour and its forms, such as: commercial sexual exploitation (forced prostitution), *caporalato* (illegal hiring and exploitation of farm day workers through an intermediary), trafficking in human beings for the purposes of exploitation.

Asylum seekers and Refugees (ARs)

ARs = those forced migrants who have been in contact with the asylum system (i.e., at least have applied for asylum and remain in Italy)

Terminology and separation of the various stages of the asylum system and its mechanisms - emerged from focus groups with the anti-trafficking network.

Participation in the survey implies consent to use the results for scientific purposes. **The survey is anonymous.**

1 Which sector do you represent?

Question instructions: *Select one answer*

- Anti-trafficking Italian Network
 Territorial Commissions
 Other...

2 In which region/s of Italy you operate?

3 Please indicate years of experience working in the relevant sector

4 I. Entry and registration processes

Question instructions: *How much you agree with the statement: These elements of entry and registration processes work good in my region?[where 1 - strongly disagree; 2 - disagree; 3 - neither disagree nor agree; 4 - agree; 5 -strongly agree]*

	1	2	3	4	5	6
Migrants' access to information on their rights	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Migrants' access to information on asylum procedures	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Migrants' access to information on the risks of trafficking and exploitation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Staff training and skills	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Time spent on procedures	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Application of legal and procedural guidelines	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

5 How much do You agree with the statement: Poor functioning of these elements in the entry and registration process increases labour exploitation among ARs.

Question instructions: [where 1 - strongly disagree; 2 - disagree; 3 - neither disagree nor agree; 4 - agree; 5 -strongly agree]

	1	2	3	4	5	6
Migrants' access to information on their rights	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Migrants' access to information on asylum procedures	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Migrants' access to information on the risks of trafficking and exploitation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Staff training and skills	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Time spent on procedures	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Application of legal and procedural guidelines	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

6 Identification procedures (e.g., asylum recognition procedures at territorial commissions)

Question instructions: How much You agree with the statement: These elements of identification processes work well in my region?[where 1 - strongly disagree; 2 - disagree; 3 - neither disagree nor agree; 4 - agree; 5 -strongly agree]

	1	2	3	4	5	6
Migrants' access to information on their rights	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Migrants' access to information on asylum procedures	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Migrants' access to information on the risks of trafficking and exploitation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Staff training and skills	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Length of the identification procedure	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Adequacy of recognition of international protection status	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Application of legal and procedural guidelines	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

7 How much do You agree with the statement: Poor functioning of these elements in the identification process increases labour exploitation among ARs.

Question instructions: [where 1 - strongly disagree; 2 - disagree; 3 - neither disagree nor agree; 4 - agree; 5 -strongly agree]

	1	2	3	4	5	6
Migrants' access to information on their rights	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Migrants' access to information on asylum procedures	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Migrants' access to information on the risks of trafficking and exploitation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Staff training and skills	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Length of the identification procedure	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Adequacy of recognition of international protection status	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Application of legal and procedural guidelines	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

8 First reception (of asylum system)

Question instructions: How much do You agree with a statement: These elements of the first reception works well in my region? [where 1 - strongly disagree; 2 - disagree; 3 - neither disagree nor agree; 4 - agree; 5 -strongly agree]

	1	2	3	4	5	6
Migrants' access to information on their rights	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Migrants' access to information on asylum procedures	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Migrants' access to information on the risks of trafficking and exploitation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Staff training and skills	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Length of stay in the facility	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Access to Italian language and culture courses	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Size of the facility	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Application of legal and procedural guidelines	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

9 How much do You agree with a statement: Poor functioning of these elements in the first reception increases labour exploitation among ARs.

Question instructions: [where 1 - strongly disagree; 2 - disagree; 3 - neither disagree nor agree; 4 - agree; 5 -strongly agree]

	1	2	3	4	5	6
Migrants' access to information on their rights	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Migrants' access to information on asylum procedures	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Migrants' access to information on the risks of trafficking and exploitation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Staff training and skills	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Length of stay in the facility	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Access to Italian language and culture courses	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Size of the facility	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Application of legal and procedural guidelines	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

10 Second reception (SPRAR/SIPROIMI/SAI)

Question instructions: How much do You agree with a statement: These elements of the second reception works well in my region? [where 1 - strongly disagree; 2 - disagree; 3 - neither disagree nor agree; 4 - agree; 5 -strongly agree]

	1	2	3	4	5	6
Migrants' access to information on their rights	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Migrants' access to information on asylum procedures	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Migrants' access to information on the risks of trafficking and exploitation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Staff training and skills	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Length of stay in the facility	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Access to education (Italian language and culture courses)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Size of the facility	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Application of legal and procedural guidelines	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

11 How much do You agree with the statement: Poor functioning of these elements in the second reception increases labour exploitation among ARs.

Question instructions: [where 1 - strongly disagree; 2 - disagree; 3 - neither disagree nor agree; 4 - agree; 5 -strongly agree]

	1	2	3	4	5	6
Migrants' access to information on their rights	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Migrants' access to information on asylum procedures	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Migrants' access to information on the risks of trafficking and exploitation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Staff training and skills	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Length of stay in the facility	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Access to education (Italian language and culture courses)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Size of the facility	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Application of legal and procedural guidelines	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

12 Cross-sectoral cooperation (anti-trafficking & asylum systems)

Question instructions: How much do You agree with a statement: These elements of the corss-sectoral cooperation work well in my region? [where 1 - strongly disagree; 2 - disagree; 3 - neither disagree nor agree; 4 - agree; 5 -strongly agree]

	1	2	3	4	5	6
	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Cooperation between the asylum system and the anti-trafficking system	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Cooperation between territorial commissions and the anti-trafficking network	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Cooperation between the anti-trafficking network and the private sector	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Cooperation between the asylum system and the private sector	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Multi-agency approach	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Functioning of the referral mechanism	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

13 How much do You agree with the statement: Poor functioning of these elements increases labour exploitation among ARs.

Question instructions: [where 1 - strongly disagree; 2 - disagree; 3 - neither disagree nor agree; 4 - agree; 5 -strongly agree]

	1	2	3	4	5	6
Cooperation between the asylum system and the anti-trafficking system	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Cooperation between territorial commissions and the anti-trafficking network	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Cooperation between the anti-trafficking network and the private sector	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Cooperation between the asylum system and the private sector	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Multi-agency approach	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Functioning of the referral mechanism	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

14 In your opinion, what other factors contribute to labor exploitation among asylum seekers and refugees in Italy?

15 Would you be willing to participate in one of these forms of research to provide an in-depth understanding of labor exploitation among ARs?

Question instructions: *Choose which forms suit you*

- Focus Group (online group interview lasting about 60 minutes) Interview (online in-depth interview - the researcher and one participant, about 30-45 minutes) I don't want to participate

16 Would you like to be informed of the results of this research?

Question instructions: *Select one answer*

- YES NO
 Other...

17 Please provide your e-mail adres (for the date of potential interview and to send the research results)

Question instructions: *This survey is anonymous, and the e-mail will be used only to schedule potential interview, that will help expand understanding of the problem. It is not mandatory to provide e-mail. There have already been 7 focus groups with representatives of the Anti-Trafficking Network in Italy.*

Thank you for participating in this study. Your community's responses are crucial to the research and future recommendations.

Natalia Szulc

natszu@amu.edu.pl