Normalizing the Exception: Prejudice and Discriminations in Detention and Extraordinary Reception Centres in Italy

Abstract: The human security of both migrants and refugees is at risk at several steps in the process of migration. This work considers that migrants' human security is not automatically guaranteed once they reach a safe country in Europe either. This article explores how, with the evident will to bypass Italian anti-discriminatory law, derogatory legal instruments, such as law decrees, have been used to increasingly normalize the state of exception with indefinite detention and further extraordinary measures in the system of reception. The analysis of Italian laws, legislative decrees and reports in the field of migration proves that, in Italy, the state of exception has been normalized particularly from 2018 onwards through Salvini's Security Decrees, to evidently both create additional insecurities for migrants and self-fulfill the initial prejudicial assumption that framed migration as a threat to the nation. The normalization of the exception does not stop at the borders but continues also throughout migrants' stays, with the consequent increasing entanglement of citizens' stereotypes and migrants' discriminations, mainly through a self-fulfillment of prejudice, which further endanger the life of refugees, whose insecurity is left to persist across the entire Italian territory, when instead it should supposedly be a safe country for those in need of a shelter.

Keywords: Prejudice; Discriminations; State of Exception; Migrants Reception Centres; Detention.

Introduction

The concerns over migrants' human security have focused mainly on the dangers they face in their countries of origin or on their journeys to places of safety. Although the phenomenon of human mobility is neither new nor novel, the construction and consequent perception of current migration as both unprecedented and challenging has increasingly spread across societies all over the world. It is certainly true that migratory trends have intensified in recent years globally. However, migration flows to Europe have constantly decreased from 2010 onwards, and more importantly from 2015; furthermore, the majority of it consists of intra-European mobility (UNDESA, 2019). Despite this, the public debates over migration continues to be inflamed and migration is repeatedly treated as an emergence and a crisis to manage (Bello 2020a). Heightening the debate through prejudicial narratives is not the consequence of numbers of arrivals but the scapegoating of migrants' presence, often relegated to a different place in the

world. Such a presence is made more visible by the relocation of migrants after arrivals in a variety of migration centres too frequently having in common only the spectacularisation of desperate migratory conditions, and their "concentration" in some areas. Research has proven that an akin amassing and the spectacularisation of this so-portrayed exceptional presence of migrants in reception centres has been possible because there exists an aprioristic prejudicial cognition towards migrants which self-reinforces those stereotypes and further criminalizes the phenomenon (Bello 2020b). Indeed, a variety of authors (Dines et al, 2005; Gervi and Tejedor 2020; Katz et al. 2014; Mazzara 2915; Sanyal 2015)[1] employing Agamben's philosophical discussion of sovereign power and bare life (Agamben, 1998) and/or the *state of exception* (Agamben, 2003) illustrate a similar "spectacularization of migrants' life" at the southern Italian border. A further element that has contributed to examining the phenomenon is Butler's understanding of how the sovereign power normalizes the state of exception particularly through "indefinite detention" (Butler 2004). However, despite the cruciality of the topic, and particularly in the Italian case, no work to my knowledge has investigated through Agamben's considerations of the state of exception if derogatory instruments, and for instance Salvini's security decrees, have normalized the exception in the Italian reception system. Undoubtedly, no literature has applied the concept of the normalization of the state of exception to examine the relation between derogatory instruments and prejudice. Only one work has instead investigated how the state of exception interacts with prejudice in the case of electoral campaigns, by considering the specific case of Romaphobia in Italy (Gervi and Tejedor 2020).

In order to fill this literature gap, I further explore how both prison-like conditions and supplementary extraordinary measures have spread throughout the Italian system of reception and have normalized the state of exception, with the evident will to bypass anti-discriminatory

[1] This list is not exhaustive, but, due to length limits of the article, only the literature that is most relevant to the scope of this work has been included.

law and the consequent increasing entanglement of citizens' stereotypes and migrants' insecurities much beyond the borders, and namely once they have reached places of supposed safety. With this study, I aim to reply to two research questions: have exceptional derogatory legal instruments normalized the exception in the Italian system of reception bypassing the anti-discriminatory law? Has this normalization of the state of exception further increased migrants' insecurities by self-fulfilling and self-reinforcing prejudicial assumptions concerning migration? In particular, I claim that, in Italy, through law-decrees, the exception has extended to the entire migrants reception system spread across the country, and has then been normalized particularly from 2018 onwards through Salvini's Security decrees, evidently in order to both create additional insecurities for migrants and self-fulfill the initial stereotypes. The normalization of the exception does not stop at the borders but continues also throughout migrants' stays.

In such a light, this article first introduces the theorization of the role of prejudice in creating and strengthening the state of exception. It considers how prejudice and human insecurity of migrants hosted in reception centres are connected with derogatory instruments in democratic countries. Subsequently, it focuses on how derogatory instruments are intrinsically connected to the indefinite custody, prejudice and institutionally driven forms of discrimination. A document analysis of public policies and official reports on the system of reception in Italy, published by Italian public authorities, proves that recent Italian executive decisions (law-decrees) have first created the ground for the exception and then managed to normalize it, thus self-fulfilling and further feeding prejudice and discriminations towards migrants and increasing their human insecurity in the Italian territory.

The role of Prejudice in Normalizing the Exception beyond the Border Politics

In 2019, the number of international migrants in the world has increased to 272 million (UNDESA, 2019). However, most of migratory trends take place within Africa, where the relative variation of the annual change in migration between 2010 and 2015 has increased of 300%, and continued to grow in ensuing years. Although migrants continue to arrive to Europe, the number of arrivals from 2010 onwards has dropped compared to previous decades or other areas of the world. Also, the majority of these migrants in Europe, 51.6 per cent, are actually intra-European migrants (UNDESA 2019). The case is confirmed by Frontex, whose 2017 report states that in 2017 there has been a decrease of 60 per cent in arrivals compared to the previous year and 89 per cent decrease compared to 2015 (Frontex, 2017). However, these numbers do not imply that the cumulative presence of migrants has decreased in Europe. The overall number of migrants residing in Europe has constantly increased, and their presence is made more visible because of specific policies of reception and integration, which concentrate migrants in particular reception centres and areas of countries (Bello 2017).

Although reception centres vary from country to country, some problems are very widespread, including: the lack of access to health care; the often-missing psychological support for their post-traumatic stress disorder; and, particularly -but not only- for vulnerable groups such as women and girls, violence and several forms of abuses (Bonewit, 2016; Buhmann et al., 2016; Keygnaert et al., 2014; Norredam et al., 2006; Puthoopparambil et al., 2016; Shishehgar et al., 2017). Analogous difficulties affect all possible genders and categories of migrants, but for some of these, prejudice towards their very status of migrants constitutes a new form of bias that adds further layers to existing discriminatory situations (Mahler and Pessar, 2006). A situation of this kind is inherently problematic because prejudice in reception centres has already proven a decisive element in reproducing stereotyping narratives that criminalize migration (Bello 2020b): reception centres become stages from which migrants' stories enter into citizens' accounting of negative experiences perpetuating a rhetoric that

securitizes migration. A narration akin accompanies the spectacularization of an exceptional presence of migrants in reception centres (Bello 2017; Katz et al., 2014; Mazzara 2015).

The spectacularization of migratory journeys and arrivals has already been described in an abundant literature (Dines et al, 2005; Doti, 2011; Gervi and Tejedor 2020; Katz et al., 2014; Mazzara 2015; Minca 2017; Moudouros 2020; Salter 2008; Sanyal 2015) that has applied to the field of migration Agamben's concept of bare life (1998) and/or of the "State of Exception" (2003). Agamben's "state of exception" theorization of a technique of government providing legal space to inhuman realities, has found a productive field in migration studies, especially because of its intrinsic "biopolitical" significance (Dines et al 2005). An additional reason for such a proliferation lies in the overlapping theme of the "indefinite detention", which Butler identified as an indicative normative invention of the state of exception that suspends any legal and political status of human beings (Butler 2004). In the field of migration, a practice alike relegates migrants to separate places in the world in which they lose their humanities (Sanyal 2015; Katz et al. 2014).

In this situation, at times migrants have been able to vocalize some counternarratives (Mazzara 2015), but in most cases it is the extension of the state of exception and particularly its normalization what is of particular concern and occupies the core of the scientific production (Minca 2017). Salter (2008) illustrates the normalization of the state of exception to analyze border politics as part of a normalized derogation to the rule of law in the United States of America (Salter, 2008; Moudouros 2020). Gervi and Tejedor (2020) is the only work instead that examine the relationship between prejudice and the state of exception, but not as an intrinsic relation within a normalized state of exception, but namely as the specific case of electoral campaigns, and Salvini's usage of Romaphobia in Italy to gain votes.

However, in a democratic regime, the role of prejudice is as much pervasive in the state of exception as it is the biopolitics. Indeed, no state of exception could be possible in a

democratic regime in which justice is in place, without bypassing the anti-discriminatory law. A similar connection could be an intrinsic reason for which Agamben insists that derogatory instruments of the law decrees in Italy have made of the country a juridical-political laboratory for the normalization of the state of exception, particularly through the legal instrument of *law-decrees*, which should be derogatory and exceptional legal instruments and, instead, have since long replaced the ordinary source of law (Agamben 2003). The history of the Italian law-decrees invention is by itself enlightening: at first regulated by the Fascist regime of Benito Mussolini in 1926, then kept in the Italian Constitution as derogatory instruments, and currently almost the rule in recent governments' practices (Agamben, 2003:17).

Revelatory appears as a result the extensive usage of law-decrees precisely in the field of migration in Italy. Therefore, I claim that, in Italy, a normalization of exceptional measures that discriminate migrants and hinder their enjoyment of a dignified life, has further expanded for both the pervasion of the *instruments* used, law-decrees, which bypass the anti-discriminatory rules, and the *loci* of the normalization of the state of exception: the reception centre. I also claim that such a normalization allowed to self-fulfil the prejudicial assumption according to which migration poses a threat to the nation. However, despite the cruciality of the topic, no work to my knowledge has investigated through Agamben's concept of the state of exception if derogatory instruments, for isntance Salvini's security decrees, have normalized the exception in the Italian reception system across the entire country. Undoubtedly, no literature has applied the concept of the normalization of the state of exception to examine the relationship between derogatory instruments and the self-predicament of prejudice.

This article aims to fill this research gap by understanding the human insecurity entailed by institutionally-driven discrimination and prejudice in reception systems that have normalized of the exception. In such a light, this study differentiates diverse forms of prejudice and considers to what extent they affect specific categories of migrants. It examines the

experience in receptions centres of a variety of embedded and overlapping layers of discriminations, which strongly affect the human security in these places. It illustrates the consequences of the legislation on the management of the reception of migration.

Through an analysis of public policies and official documents, I claim that derogatory legal instruments of the Italian *law-decrees* have normalized the exception in reception centres, thus reproducing and self-fulfilling the conditions that have allowed discrimination and prejudice towards migrants in the first place. In such a light, this study examines the neglect of the human security of migrants in these places by feeding prejudice and discriminations towards migrants, namely in two ways: 1) the normalization of their detention; and 2) the normalization of further exceptional measures in the reception system.

Prejudice and the Human (in)Security of Migrants in Reception Centres

Prejudice has been a very well-studied phenomenon in the past century. Allport (1954) defined prejudice as a learnt, hostile attitude or feeling that individuals express towards members of outgroups, denying them dignity. Pettigrew and Meertens (1995) have then differentiated between subtle and blatant prejudice, with the first being covert expressions of hostile attitudes, while the second are open and direct manifestations of hostilities that deny respectability to others. Dovidio (2001) has instead examined the social and historical developments of the phenomenon, by highlighting that prejudice does not only relate about the interactions between two different groups but how a state can make use of prejudice for political, economic or social reasons. Institutional discriminations belong to this broader concept of prejudice, and namely they constitute concrete legal actions that aim at alienating and marginalizing specific groups or individuals through policies (Allport, 1954; Bello, 2017). However, in democratic regimes where justice is in place, discriminations are normally banned through the inclusion of anti-discriminatory laws in their constitutions. Therefore, the only way through which

institutionally driven discriminations akin can take place in similar democratic regimes is as consequences of derogatory rules, the specific legal instruments that Agamben's has identified as the core of the engine of the state of exception (2003).

Evidently in line with what both Agamben (2003) and Butler (2004) identify for the indefinite detention at Guantanamo, also when it comes to discriminations and prejudice within reception centres, one of the most important form of institutionally-driven discrimination in European democratic countries is the indefinite custody of migrants within detention centres, even if they have not been charged of any crime (Bello, 2017; Wadia, 2015).

The year 2016 recorded 21,000 asylum seekers who waited for the final decision concerning their asylum request, inside detention centres. Both civil society associations and studies on detention centres (Aas and Bosworth, 2013; Bello, 2017; Bosworth, 2014a and 2014b; Lazaridis and Wadia, 2015) highlight that migrants and refugees detained in the EU suffer from lack of personal safety, health care, mental wellbeing and, more generally, crucial information for clarifying their juridical situations. These are all examples of different forms of discriminations and prejudices that persons suffer for their very status of being migrants.

The case of asylum seekers detained for travelling in irregular ways is particularly problematic because it is clearly in violation of the application of Refugee Convention of 1951 signed in Geneva. Yet, in 2015, in Bulgaria 41 per cent of asylum seekers were detained; in France 48 per cent; in the UK 53 per cent; in Slovenia and Hungary around 60 per cent asylum seekers were in detention centres. In other European countries, instead, the presence of asylum seekers in detention centres is more limited, such as in the case of Germany and Sweden, where only 7 per cent of asylum seekers were detained in 2015 (Bello, 2017).

In Italy, the phenomenon was initially not as pervasive as in other countries. In 2015, roughly 5000 migrants, almost three per cent of the total number of arrivals, were detained and 25 per cent among these were asylum seekers (Senate of the Italian Republic, 2017). The Italian

Migration Consolidated Act (Legislative Decree 286/1998, art. 2.1) states that the custody of asylum-seekers is not justified by the infringement of the law to access the territory of the state, as the Refugee Convention supersedes it. These asylum seekers hosted in detention centres were however a small percentage, less than 1 per cent, of the total number of 177000 asylum seekers arrived in the country during 2015. Their detention was maintained by exceptional security reasons, in agreement with the Italian law on migration and asylum. Such an exceptional measure, however, becomes the "new normal" from 2018, with the first security decree signed in October by the then Ministry of Interior, Matteo Salvini: in the first six months of 2019, out of 3189 migrants who have reached the country, 72 per cent (2300) migrants were detained (Italian Chamber of Deputies, 2019a). Adding to the gravity of the fact itself, it has been also proved that the presence of migrants in detention centres further criminalize them in the eyes of the receiving societies, although these persons have not been charged with any crime.

These data alone suggest the idea that the human insecurity of both migrants and refugees, and the usage of what had to be only extraordinary measures for situations of *flagrante delicto* are no longer exceptions, but rather the norm in Italy. I therefore argue that Italian migration policy have not only normalized the logic of exceptions by the entering into force of new migration law-decrees, and namely Salvini's Security Decrees, but also self-fulfilled the initial prejudicial assumption that migrants pose a threat to the nation. Normalizing the exception has thereafter meant an increased discrimination and human insecurity of both migrants and refugees in Italy.

An analysis of the law and the derogation to the law on migration in Italy follows, so as to illustrate how a succession of derogatory instruments have achieved to normalize the exception. In such a light, this study also shows how normalizing the exception has further increased migrants' insecurity in the Italian territory by feeding prejudice and discriminations,

namely in two ways: 1) by normalizing their detention; and 2) by normalizing additional exceptional measures in the reception system.

Not in Prison but neither Free: The Exceptional Custody of Migrants in Italy becomes the norm

The outset

The first rudimentary organisms of Italian reception centres were created in 1995, in the so-called "Law Apulia" (Law 563/1995; Legislative Decree 541/1995), which was intended to regulate the hosting of those migrants fleeing the Balkans war and reaching the coast of Apulia. By the end of the decade, it became clear that Italy needed a comprehensive policy on migration and during the first Prodi Government, Giorgio Napolitano, at the time Minister of Interior, and Lidia Turco, Minister of Solidarity Affairs, issued the Discipline of the condition of the Foreigner (Law 40/1998). This law guarantees that all those persons not holding the citizenship of any EU member states enjoys the human rights recognized by both internal law and international law and conventions (art. 2.1), and equal dignity and access to jurisdiction compared to citizens (art. 2.4). Moreover, Law 40/1998 also applied to those migrants who were "regularly" residing in the country all socio-political and cultural rights guaranteed by the Italian Law (art.2). In sum, the Turco-Napolitano Law constitutes an integrated reception of the international and communitarian *acquis* into the Italian migration system. It also already includes disposition towards the socio-economic and cultural integration of migrants, "in the respect of diversity and cultural identity, if these do not infringe the Italian set of rules." (art. 3.3). This law considers the possibility to detain migrants only if caught in *flagrante delicto (art.11.3)*. In cases of an unintentional *delicto*, then the detention can be changed into an expulsion, without imprisonment (art.14.1). Therefore, detention for migrants is supposed to be only an exceptional measure for those caught in *flagrante delicto*.

The law nonetheless considered that those persons who are awaiting expulsion, and cannot be immediately accompanied to the frontier, can be hold in temporary centres of stay and reception (CPTA) for the minimum indispensable time needed to effect the expulsion (art.12.1). This custody could not exceed a maximum of 30 days (art.14.5). The Italian law does not consider these temporary stays in CPTA centres as a form of detention, but police commissioners are indeed requested to take the adequate surveillance measures as to make sure that guests cannot leave the centre. Therefore, it actually violates the fundamental right to move included in the Universal Declaration of Human Rights and the right to liberty and security of the European Convention of Human Rights (art.5). Such a case can be deducted also by the jurisprudence of the case Khlaifia vs. Italy, ruled in December 2016 by the Grand Chamber of the European Court of Human Rights that considered that Italy violated article 5 of the European Convention on Human Rights, for putting in custody four Tunisian migrants at a "first aid and reception centre" in Lampedusa (now the hotspot of Lampedusa). Therefore, even if CPTAs were not expressively "created" to detain migrants, they actually served mainly this function. A regulation akin therefore already criminalized irregular migrants and hampered their human security. Still, asylum-seekers could not be held in custody, if not caught in *flagrante delicto*.

The same Turco-Napolitano Law also established the functioning of proper reception centres (CDAs), so as to host those persons who regularly reside in the Italian territory but are unable to autonomously arrange a place where to live in dignity. The law itself did not discriminate between persons, if in a migratory status or not: these centres could also host Italians and other EU citizens and could be set up by either local governments or non-for-profit organizations (art. 38.1). CDAs could also offer professional training, language courses, cultural exchanges with Italian population, thus finally aiming at the integration of these persons in the Italian society.

A very relevant element of the Turco-Napolitano Law is that it clarifies what is a discrimination (art.41) and what are the consequences of discrimination (art.42) for public officials, policemen, those who manage a reception centre, or provide any service in a reception centre, and more generally for all those persons who interact with a migrant and undertake behaviours that can be considered discriminatory (art.41.2). In particular, the Turco-Napolitano law establishes that those who are found guilty of discriminatory behaviours, cannot participate in any public tenders and public and financial aid for two years (art.42.11).

Taking into account the important human insecurity that prejudice in the management of reception centres in Italy constitutes (Bello 2020b), then the Turco-Napolitano Law in this sense sets an important rule and boundary that can be used to avoid that prejudice and discrimination could entail a form of human insecurity for guests of reception centres. Significantly enough, the Turco-Napolitano Law establishes the "social protection", which is a particular form of protection guaranteed to those individuals who were found to suffer particularly violent situations or were subject to the conditioning of criminal organizations. The social protection would include for these persons a 6-months residence permit, which could be prolonged for an additional year (ar.16.1 and art.16.2). This Law was completed by the Consolidated Act established in the legislative decree 286/1998. This in particular clarified the means by which the centres had to put in place a system of social protection, which was based on the involvement of two public authorities: a police commissioner and the Mayor of the town.

The first extensions of exceptional custody

The very first extension of the exceptional custody included in the Turco-Napolitano Law was operated through the so-called "Bossi-Fini Law" (Law 189/2002), proposed by Gianfranco

Fini, leader of the right-wing party, the "National Alliance" (*Alleanza Nazionale*) and Vice-President of the Council of Ministers of the II Berlusconi Government, and by Umberto Bossi, leader of the "North League" (*Lega Nord*) and Minister of Institutional Reforms in the same government. The Bossi-Fini law, for the first time, denies the access to migrants in case "the migrant is considered a threat to public safety or to national security" (art.4) and extends the custody to all irregular migrants, irrespective of their status; the maximum length of the custody is prolonged from 30 to a total of 90 days (Legislative Decree 286/1998 and Law 189/2002). With a view to not configure it in contrast to the anti-discriminatory dispositions, in this law, the possible discriminatory element of considering a migrant as a threat to the national security was cleverly formulated as an individual case by case assessment.

The Bossi-Fini law also states the purpose to "rationalize" and "optimize" the system of protection of asylum seekers and of those who have access to the residence permit for humanitarian reasons as consequence of art. 18 of the Consolidated Act of the Legislative Decree 286/1998. In this article, the Bossi-Fini law translates the guidelines provided by UNHCR and the association of the Italian municipalities (ANCI), what has come to be known as SPRAR, the System of Protection of Refugees and Asylum-Seekers. However, it also configures the "social protection" of the Turco-Napolitano Law as the "humanitarian protection" of the Refugee Convention, when actually the Turco-Napolitano Law is more generous than the Convention itself in this regard. As a consequence, the Bossi-Fini Law limited the application of the "social protection" of the Turco-Napolitano Law solely to the humanitarian protection of the Refugee Convention, which is a particular category applied only in case of exceptional and serious personal safety reasons (for example if the person has been sentenced to death due to his/her gender or due to other reasons not recognized as crimes in the country of arrival).

The Bossi-Fini Law further establishes the custody also of asylum-seekers in centres of

identification (CDI), where only UNHCR and lawyers could get access to (art.32.3). In 2009, the Security Package that Berlusconi signed in his own law-decree protracted the custody of immigrants to a maximum of 18 months (Legislative Decree 11/2009).

Since October 2018, the humanitarian protection has again been under the target, this time by part of the new leader of The League party (successor to the *Lega Nord*), Matteo Salvini - at the time Minister of Interior - who completely abolishes the possibility of the humanitarian protection with the so-called First Security Law Decree of 2018 (Legislative Decree 113/2018) and by so doing it automatically extends the detention to those persons who previously would fall in this category of protection. All those persons who could previously apply for a humanitarian visa, with these new legal instruments are immediately sent to a centre for repatriation (CPR), so in custody prison-like conditions, awaiting a possible expulsion. Changes akin explain why, in Italy, after Salvini's Security Decree, 72 per cent of those persons who have reached Italian shores in 2019 are hosted in detention centres (Italian Chamber of Deputies 2019). Salvini's security decrees normalizes the exceptional indefinite detention of migrants and asylum-seekers, who consequently suffer an important form of human insecurity and a breach of their "human right to move" (Article 13.1 of the Universal Declaration of Human Rights) and of the "European right to liberty and security" (Article 5 of the European Convention on Human Rights) without having been charged any crime.

Prejudice through the Normalization of Exceptional Measures in Reception Centres

The indefinite custody of migrants is unfortunately not the only form of insecurity that migrants suffer. There are further measures that hinder the development of their life in safety and dignity. If compared with the situation of the recent past, law decrees have vacuumed the current Italian reception system of the several other measures that the Turco Napolitano law had included to

safeguard migrants' and refugees' safety and dignity. An ethnographic study of first reception centres in Siracusa (Sicily, Italy) already noted that the Italian reception "composes a system that aims to respect many of the migrants' rights and ensure their successful resettlement, [but] the enforcement of these policies fails to meet these standards, as reception centres and local administrators … act in a way that effectively traps many migrants in ongoing liminality while denying them many of these rights" (Kerhs and Mishtal, 2016: 101). In a more recent ethnographic study of Italian extraordinary reception centres (CAS), it has been proved that managers' cognitions, in particular if prejudicial or inclusive, are those elements that decisively affect both migrants' conditions in reception centres and the narratives that spread in receiving societies (Bello 2020b). However, the Italian reception system is very variegated. It is constituted by an entire array of different centres, which can be classified in five types:

1) those places for the first treatment after arrival (Hotspots and CPSA - Centre of First Aid for Arrivals);

2) those lodgings for the immediate expulsion of persons who have travelled irregularly or undocumented and, supposedly, have not requested asylum (at first called CTPA and, another type CDI, which then were both called CEI - Centre for Identification and Expulsion, now called CPR - centres for repatriations; which are those centres restricting migrants' mobilites)

3) centres for asylum seekers and refugees (for a first screening step, there are CARAs -Reception Centres for Asylum Seekers, - and, as a second step to further help their integration in the country, there are the SPRARs-System of Protection for Asylum-Seekers and Refugees);

4) centres for migrants (CDAs – reception centres for those persons often referred to as "economic migrants");

5) extraordinary reception centres (these are the CAS centres, which should be set up *ad hoc* only when allocation in any of the other centres cannot be provided).

Since its creation, two have been the main changes that have happened in the Italian reception system and both were due to the uses of those *law-decrees* that Agamben (2003) identifies as the dereogatory legal instruments institutionally designed to implement the exception. The first of these changes was envisaged by Renzi's "Reception decree" in 2015.

Such a decree was deemed necessary to tackle one specific emergency: the sudden lack of room in reception centres due to peak in arrivals. The second of these deviations from the Italian norm on migrants reception was instead also put in place through the two Salvini's Security decrees, which identified migrants as a threat to the national security of the country. Although both are very concerning for being a derogation from the norm, the difference between the two decrees is evident: in Renzi's reception decree, the emergency is not framed in terms of a supposed threat that migrants pose to the nation, as instead it happens with Salvini's Security Decrees. However, both interventions had to be introduced in the Italian legal system of reception through derogatory legal instruments because both interventions deviated from the initial Turco Napolitano law, which established mechanisms to both avoid discrimination and prejudice in reception centres, and ensure life in dignity and the respect of human rights for all those persons hosted in these centres. Even if Salvini's security decrees are by far more discriminatory and detrimental of human rights, Renzi's reception decree puts the basis for the very creation of a further extraordinary measure in the system of reception.

First, the "reception decree" issued by the Renzi Government in 2015, establishes that, as an exceptional measure, migrants' stay in CPSA, Centre of First Aid and Arrival, which should last a few hours until the relocation to one of the other types of centres, could be prolonged when there were peak in numbers of arrivals (Legislative Decree 142/2015). Such a measure has been differently used, and has entailed several malpractices, including prolonged stays until some managers did select the migrants as apt for their centres upon criteria that were evidently discriminating for both gender and racial reasons[2].

Second, an additional exceptional measure has instead regarded the type of reception centres designated to host migrants. The creation of extraordinary reception centres (CAS) is envisaged in Renzi's reception decree to reconvert previous business no longer profitable into

[2] This emerged from an interview of 2017 with reception centres' managers (Bello 2020b).

reception centres if there were no room available in any of the previous types of centres during peak in arrivals.

Nonetheless, Parliamentary report shows that, up to 2018, so before the entering into force of Salvini's security decree (Law-Decree 113/2018), the total number of available places in the reception system in 2018 was 35869. However, they have rarely been used to the extent their number allowed (Italian Chamber of Deputies, 2019b). There were very often empty rooms in SPRARs and concurrently, allocation of asylum-seekers to CAS, which should have been used only in case of nonavailability of rooms in other reception centres. Such a situation has meant that, no matter what is the status of the person, if an asylum seeker; a refugee with an already granted status awaiting to finalize a training programme; a migrant family; or a person who had travelled irregularly and had not requested asylum; these would all end up together in centres with no social services or legal, or psychological support attached.

Firstly because of practices ensuing from the flexibility in interpreting Renzi's reception decree's rules, and later on particularly as a consequence of Salvini's security decrees, which provided more funds to CAS and reduced substantially funds for SPRARs, the CAS centres have actually hosted the majority of asylum-seekers since they were at first created in 2015 (Italian Chamber of Deputies, 2019b). Unfortunately, these were not the only exceptions used in the Italian receptions system: CARAs have also very often served as second reception centres for much longer than 35 days established by the reception law (Italian Ministry of Interior et al. 2016). Because these CARA and CAS centres, differently from SPRAR centres, do not provide any framework of integration nor any form of assistance to migrants, a prolonged stay in these lodgings is also very problematic and prejudicial, as it would entail a non-dignified life. Migrants in these centres can only wait the clarification of their status, without engaging in any sort of productive activity (Ambrosini 2018).

The Extraordinary Reception Centres (CAS) normally do not provide any medical or

psychological assistance for their guests, language courses or any other form of trainings. At this concern, it is relevant to stress that migration and health studies have plainly illustrated that both migrants and refugees suffer of post-traumatic stress disorder and need psychological assistance during their stay (Norredam et al., 2006; Puthoopparambil and Bjerneld, 2016; Shishehgar et al., 2017; Vaughan et al., 2015; Ventriglio et al., 2017). The lack of psychological support in reception centres has been found particularly relevant in increasing the level of tensions and violence (Bello 2020b). Indeed, among all the variety of reception centres in Italy, CAS are the only ones that do not provide any form of psychological, social or legal assistance to migrants, if not as an act of merci – but legally not required – of CAS' managers[3]. The other centres instead provide different arrays of services.

As CAS are often located in deprived or even industrial areas, they have effected a ghettoization of the migrants and asylum-seekers hosted in their structures (Ambrosini, 2018; D'Agostino, 2017). In general, because they were created to respond to situation of emergency during peaks in arrivals, they do not respond to the basic principles included in the Consolidated Act for migration centres. Despite all of these unfavourable reasons, the CAS have become "the new normal" in Italy for the reception of migrants (Italian Chambers of Deputies, 2019b).

For a decisive and crucial measure of Salvini's security decree 113/2018, SPRAR centres have been significantly reduced or even closed, for the Security Decree establishes that these centres can solely host refugees but only for a reduced number of days, and cannot host asylum-seekers (Law-Decree 113/2018, art.12.4). As a consequence, after the entering into force of Salvini's Security Decrees, 40000 refugees have been expelled from these centres and

[3]For the sake of precision, it is necessary to stress that from different interviews and ethnographies conducted for other research, it became clear that indeed there are many managers of extraordinary reception centres that have provided far more than what the reception decree requested them (Bello 2020b).

left in the streets, with the consequence of making a sudden consistent number of persons who had already been granted the status of refugees, and entire refugee families, homeless, wandering in the streets and forced to find shelters wherever this was possible (squats, slums, and similar) (La Repubblica 14 June 2019).

Salvini's Security Decrees therefore achieves to "stage" migration as a threat to security by obliging persons who had been granted the status of refugees to become homeless and wander in the streets. Such a situation is precisely what the Turco-Napolitano law is meant to avoid with the granting of inalienable human and social and political rights to migrants for ensuring a life in dignity. Nonetheless, Salvini's Security Decrees bypasses the anti-discriminatory rules of the Italian law system. Asylum-seekers, instead, were sent to CARA or, if room were not available in CARA, to CAS centres.

The fact that Salvini's Security Decree envisages an increase in the budget for CAS centres and the reduction of SPRAR centres, confirms that the derogatory instruments is intended to normalize the exception in the reception system of asylum seekers, in addition to the indefinite detention for those who cannot seek asylum or can no longer seek humanitarian protection, as noted in the previous section. Already in 2015 and 2016, 70% of newly arrived asylum seekers are hosted in these extraordinary centres, as the "Italian Report on International Protection in Italy" has clarified (Italian Ministry of Interior et al. 2016). Of these "extraordinary reception centres" very few is known with the exception of some studies that have started to circulate (Ambrosini, 2018; D'Agostino, 2017; Bello 2020b).

For all of these reasons, the security law-decrees (Law Decree 113/2018; Law Decree 53/2019) have been strongly condemned by UN Human Rights experts for its violations of several human rights and the infringement of the Refugee Convention of 1951, as the Office of the High Commissioner for Human Rights reports (UN OHCHR, 20 May 2019).

Conclusions: The Spread of Prejudice through the Normalization of the Exception

This work has examined the role of derogatory legal instruments, such as the law decrees, in normalizing the exception in the Italian reception system and its outcomes. The analysis of public policies and official documents and reports has shown that the normalization of the exception has happened both as a consequence of indefinite custody and further exceptional measures in the reception system through derogatory legal instrument, and namely Berlusconi's Security Package Decree of 2009; Renzi's Reception decree of 2015; and lastly, Salvini's Security Decrees of 2018 and 2019.

The normalization of exception through law-decrees has extended both the possibility of detention of those persons crossing borders[4] and the use of extraordinary reception centres. The limitation of previous categories of protections and inalienable legal, political and social rights, guaranteed by the Turco-Napolitano Law and its anti-discriminatory clauses, firstly through Berlusconi legislative decree of 2009, and lastly through the complete removal of the humanitarian protection envisaged by Salvini's Security Law-Decree of 2018, have boosted the number of those migrants hosted in detention centres. In drastic divergence from previous data which counted only 3% of migrants and refugees detained, 72 per cent of the those who have reached the Italian territory in the first six months of 2019 are hold in custody in centres for repatriations (CPR).

Although all previous law decrees, including Belusconi's Security Package decree of 2009 and Renzi' reception decree of 2015, have entailed a progressive extension of the exception, it has been Salvini's "Security Decree" of 2018 what has normalized the state of exception, by identifying the reason of the exceptional measure into a prejudicial assumption,

[4] And not only, but also persons identified as migrants even if they have never crossed any international border (see Bello 2017).

that "migration poses a threat to the nation", and in a moment in which arrivals had significantly dropped. As a consequence of the decree, the number of migrants hosted in Italian detention centres has abnormally increased, from 3 per cent in 2015, to 70 per cent in the first semester of 2019 over a total of 3189 arrivals. Salvini's security decrees also entailed that the vast majority of the rest of migrants were hosted in CAS extraordinary reception centres, where no legal, social or psychological assistance is provided to persons, evidently bypassing the anti-discriminatory rules and the guarantee of inalienable human, social and political rights contained in the Turco-Napolitano Law on reception (Italian Chambers of Deputies, 2019). Furthermore, it entailed the expulsion from the SPRAR system of integration of 40000 persons who were granted the status of refugees in Italy and who were left in the streets to wander and to squat. A measure akin has consequently self-fulfilled the threat to the nation to which the Security Decree was supposed to exceptionally respond, by further endangering the life of refugees, whose insecurity was left to persist across the entire Italian territory, which was supposedly meant to be a safe place for those refugees in need of a shelter.

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