

Variable impacts on young migrants and related measures in Spain and Italy. Andalusia and Sicily: a comparative analysis

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Abstract

Migration is based on mobility, on the crossing of space in a determined time; the inescapable "precariousness" of the foreigner's relationship with the territory is manifested in all its evidence. This paper focuses on the Mare Nostrum and the migration of the vulnerable. The problems related to protecting unaccompanied foreign minors are linked to their condition, including their minor age, alien status, and the lack of parental figures. Both with the supranational legal space (international and European), recognising an element of alienation from the domestic system for managing such situations, and with issues related to migrant law contribute to protections, creating conflicts and overlaps. International law protects the child's best interests; in contrast, domestic law aims to balance the rights of the foreigner and domestic interests of a collective nature (especially public order and internal security). The research aims to analyse the multiple impacts of protection systems in several areas of great interest to unaccompanied young migrants: 1) rights and protection, 2) employment and job readiness, and 3) Andalusia and Sicily policies and programmes. This article examines the legislative changes that have taken place over the last two years and how these have affected the condition of young migrants in two Mediterranean countries, Spain and Italy. More specifically, two regions are compared: Andalusia and Sicily. The methodology used is socio-legal analysis combined with empirical research.

Keywords: Migration, Unaccompanied Minors, Socio-Legal Theory, Italy, Spain

1. Introduction

Migration is based on mobility, on passing through space each time; the inescapable "precariousness" of the foreigner's relationship with the territory manifests itself, in fluid time, in all its evidence. Although migration is part of human history, the creation of nation-states, with the demarcation of borders, has presented this

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phenomenon as a watershed between legality and illegality.

Despite this, migrants and asylum seekers use the Mediterranean routes to enter the EU irregularly. They embark on long, dangerous journeys from North Africa and Türkiye, crossing the Mediterranean Sea to reach Italy, Spain, Greece and, to a lesser extent, Malta. The large majority of the migrants transiting through Libya on their journey towards Europe. This has contributed to development of well-established and resilient smuggling and trafficking networks in Libya. Within these flows, there is a specific subgroup of our interest, namely minors without a parent or legal representative.

The particularly vulnerable situation of unaccompanied foreign minors is due to several known circumstances. It is not just a question of age. The lack of family references in the host territory and the insecurity generated at all levels by administrative irregularity in which they find themselves are also determining factors. If we also consider the difficulties of the migratory journey, which is usually chaotic and often traumatic, as it is marked by violence or despair, it is clear that we are dealing with a group that needs the transformative action of the state (Durán Ruiz, 2021; Save the Children, 2016). Moreover, many are victims of criminal networks involved in child trafficking for sexual exploitation and child labour, exacerbating their inherent vulnerability. With this in mind, reception and protection are crucial factors in their development and education. However, despite legislative efforts, their vulnerability worsens with the transition to adulthood, a weak point in the protection systems examined here.

Unaccompanied migrant minors are not a homogeneous group, which is the origin of their social and legal problems, reflecting the transition to adulthood. The transition stage to adulthood is complex, so the Committee of the Council of Europe suggests that States should provide additional support when minors under protection are 18. To enable their rights in the difficult situation of being migrant subjects and promote integration, the child's best interest is realised only with the social inclusion of unaccompanied migrant children so that they become active members of the host society.

The migration of children and young people is a particular segment of migration and child law. Migrant children's studies involve

migration studies, multilevel policy instruments and a critical aspect of contemporary migration.

The research question: Are current tools for transition to adulthood effective?

UMMs very often reach adulthood in an irregular situation (without a residence permit), leading to deficiencies in socio-occupational integration and exacerbating their vulnerability.

2. Methods

This article is based on a dynamic analysis of the situation of young migrants in Spain and Italy, the protection measures offered and the social and economic implications for this collective. It provides data and analyses policies on the transition to adulthood over the past three years. It aims to demonstrate how some procedures fail in their commitment to leaving no one behind. The research originates in the overall work of the doctoral thesis and the post-doctoral research project.

The methodology used is socio-legal analysis combined with empirical research. According to socio-legal theory (Schiff, 1976), the legal analysis is directly related to the social situation to which the law applies and is described by observing the implications of the law in changing or maintaining that situation.

Sixty-five documents were examined. including international and national guidelines, policy briefs, white papers, policy statements, reports based on quantitative and qualitative surveys, academic articles, blog posts, online databases, websites, and webinars. Interviews with long-standing experts in the field were combined with primary and secondary literature. In this way, we pursue an interactive approach that triangulates quantitative data, qualitative interviews and literature (Levy et al., 2020). The documents cover the period from March 2019 to May 2022. They were analysed using a grounded approach. This means those general ideas, recommendations, and explanations are based on or emerge from "systematically obtained data from social research" (Glaser and Strauss, 1967). The grounded theory has been applied to qualitative research to discover the meanings of people's actions, interactions and social experiences during interviews. These explanations have been defined as "founded"

because they are based on the explanations and interpretations of the participants. In addition, the grounder theory has been used as a research tool to conceptualize latent social patterns and structures in the research area of migrant child empowerment in the protection system through constant comparison.

The analysis of contemporary migration phenomena is closely linked to geographical areas, nation-states and borders. However, in a fluid world, these superstructures are only of relative value. The first and insurmountable difference concerns the form of the status of each. Spain is a federal state where the competencies of the Autonomous Communities are many and relevant in the field of migration. These have extensive competencies concerning protecting minors without family references, including those of non-Spanish nationality. At the same time, Italy is a centralised country where regional competencies could improved, especially in migration. Comparing Italy and Spain can be a useless exercise in style, while reaching areas or regions is a valuable objective for decision-makers.

In the original research design, the comparison was between Campania and Andalusia. As we delved into the field research, we realised that they were "non-comparable magnitudes", whereas, for geographical and historical reasons, Andalusia could be concretely compared to Sicily.

3. The legal status: Stepping out of the shadows

The priority objective of the protection systems under consideration is the integration of Unaccompanied Migrant Minors. It is a challenge and a success to bring active, trained and, above all, young people into society in countries of constant demographic decline, such as Spain and Italy.

The literature in the field of Migration Studies is crisscrossed with divergent currents of thought regarding integration, such as the assimilationist, functionalist, or multiculturalist. There are also those, such as Schinkel (Schinkel, 2018), who even reject integration as an expression of nationalism and neo-colonialism (Favell, 2019).

While human mobility is an intrinsic part of social change, to gain a more meaningful understanding of the "agency" and structure of migration processes, this article conceptualises migration as a function of aspirations and abilities for young people to migrate to geographical areas perceived as opportunities (de Haas, 2021).

Countries such as Spain, France, Italy, and Romania automatically grant residence permits to minors staying in their territory. In contrast, countries such as Hungary, Greece, Sweden, and the United Kingdom allow children to live irregularly in their territories. Therefore, minors must have a residence permit to regularly live in Spain and Italy in legal situations, whether in a reception centre or not. The processing of residence permits begins in the residential centres for minors; centres are responsible for obtaining the documentation of minors and for sending reports to the child protection entity to the legal guardian.

Although Spain and Italy have geographical and historical affinities, there are numerous differences regarding our subject matter.

3.1 Spain

The Spanish system guarantees protection to all minors under the jurisdiction of the state. Within the framework of this system, a fundamental task is to adopt all possible measures to ensure that minors reach adulthood with their rights protected and with sufficient opportunities for the development of their adult life in an autonomous, independent, and equal manner with nationals. The assumption of guardianship by the public entity¹ entails the possibility obtaining of the documentation to legalise the stay in Spain. As soon as the abandonment procedure begins, getting a residence permit and, subsequently, a work permit is of fundamental importance for the future of the UMMs. Nevertheless, in practice, there are many strategies for the competent authorities not to declare the child "unprotected or unshielded"2, not to assume guardianship and, therefore, not to grant a residence permit.

¹ Tutela administrativa.

² En desamparo.

To understand it well, the example is Instruction 3/2000 of the State Attorney General's Office on the procedure for returning foreign minors who enter Spain illegally and do not contribute to the situation of "desamparo". Instruction 3/2003, "on the return of foreign minors who intend to enter Spain illegally and who are not in a legal situation of abandonment", is based on the automatic application of the "Institution of emancipation by independent life" of Article 319 of the Civil Code⁴ to conclude that the foreign minor over 16 years of age, who enters Spanish territory, is emancipated.

The residence of all minors under the protection of the Child Protection Services is considered legal under Article 35.7 of the 2000 Law on Foreigners. Still, more is needed to leave the protection system regularly at 18. At 18, minors under guardianship must go with a residence permit; when they do not have one, the authorities have not transmitted documentation of UMMs during their minority. The regions, for their part, apply to the Government Delegation, which must resolve the application, considering that the immigrant minors under guardianship are guaranteed their regular residence in the country by law.

Therefore, processing the residence permit has two prerequisites: the declaration of abandonment and the protection of the competent public body, analysed below.

3.2 Italy

Despite the similarity of European countries overlooking the Mediterranean, the regulatory differences prevent an exhaustive comparison between Italy and Spain. The au the contents of the third paragraph (using the guidelines and indications of the first paragraph) and then add the other paragraphs civil rights) deserves an ad hoc paper. Below is the section of the Italian case of possible comparison. The wave of migratory flows of unaccompanied minors to

Italy has been constant in recent years, reaching 8,000 units of new entries registered annually (Platamone and Calderone, 2019; Accornti, 2016). Like other legal practitioners and the entire social context, the Italian legislator found important critical issues in regulating, managing, and solving legal and social problems.

The problems relating to the protection of unaccompanied foreign minors are linked to their peculiar condition, including the minor age, the status of a foreigner, and the lack of parenting figures. Both with the supranational legal area (international and European), recognizing an element of extraneousness to the internal system for the management of such situations, and with issues related to the matter of migrant law, they contribute to protections, creating conflicts and overlaps⁵. International law protects the best interests of the child. In contrast, domestic law aims to balance the rights of the foreigner e internal interests of a collective nature (especially public order and internal security) (Valente, 2020).

The definition of Unaccompanied Migrant Minor (UMM) was mentioned for the first time in the Decree of the President of the Council of Ministers of 9 December 1999, n.535⁶. However, it does not refer to UMM as a unitary discipline also, in the subsequent law, the socalled Bossi-Fini⁷, the reference is relegated to the operational aspect. We must wait for the "Legge Zampa" to find a univocal discipline dedicated to unaccompanied foreign minors. Recently the issue was also dealt with in the Security Decree. In Italy, by law. unaccompanied migrant minors must be equated to all effects with their Italian⁹ and European peers; they cannot be rejected at the border or,

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³ Instrucción 3/2003, sobre la procedencia del retorno de extranjeros menores de edad que pretendan entrar ilegalmente en España y en quienes no concurra la situación jurídica de desamparo.

⁴ Institucion de emancipacion por vida indipendiente del art. 319 del Codigo Civil.

⁵ Decreto-Legge 4 ottobre 2018, n. 113 (known as Decreto Sicurezza).

⁶ Decreto del Presidente del Consiglio dei Ministri 9 dicembre 1999, n. 535.

⁷ Legge 30 luglio 2002, n. 189, *Modifica alla normativa in materia di immigrazione e di asilo* (non as Bossi-Fini).

⁸ Legge 7 aprile 2017, n.47. Disposizioni in materia di misure di protezione dei minori stranieri non accompagnati (known as Legge Zampa), GU n. 93, 21-4-2017.

⁹ Article 1, Legge Zampa.

except in exceptional cases, expelled10; the UMM, according to current legislation, must be placed in a safe place under Article 403 of the Italian Civil Code. Within the Department for Civil Liberties and Immigration, on 29 July 2014, the Mission Structure for the reception of Unaccompanied Migrant Minors¹¹ established, with the task of creating a new reception system dedicated to UMMs. Ad hoc regulations have complied with the rights recognized by international conventions, the standard European asylum system, and domestic law, without prejudice to the competencies attributed to the regions and municipalities in this area. From the collaboration between the Mission Structure and the Central Service, with the support of EASO, the need was shared to study the development of a tool for SAI¹² project operators, a network destined to qualify as a privileged reception system for UMMs.

The new legislation harmonizes the relevant legislation at the national level, implementing all-around protection in favour of the minor and to the detriment of migration control. The first interview, for instance, is a fundamental tool to activate appropriate protection as soon as especially possible. for **UMMs** with vulnerability conditions. Under c. 1 of Article 19-bis of Legislative Decree 142/2015, the qualified staff of the reception facility and the cultural mediator, under the direction of the Social Services of the competent local body and with the help, where necessary, of nongovernmental organisations (NGO) with proven experience in the protection of minors, collect the personal information of the child to bring out every valuable element for their protection. From a substantive point of view, the rights of minors have been consolidated with health education, all procedural and protection, guarantees, also through emotional psychological assistance, the right to be informed and express one's opinion and legal aid. Previously, school enrolment and enrolment

in the health system were subject to a residence permit. This obstacle has been overcome by aligning with the right of international minors, which guarantee all minors the same rights.¹³ From a procedural point of view, the assignment the guardian immediately identification of the minor and his / her entry into the first reception centres has optimized the bureaucratic times for the procedure relating to obtaining the residence permit¹⁴. Regarding reception, family custody is preferred, together with enhanced protection. Above all, the figure of the guardian goes from being the guarantor of the minor's assets (the UMMs arrive without investments) to the guarantor of personal rights, documentation, education, health protection, listening and family right. The guardianship task is also multifaceted because of the sharing of this care function with other subjects involved in managing the minor (any foster care, assistance bodies, etc.). The guardian remains, in any case, the coordinator of the child's rights with the institutions so that he/she may act as a spokesperson for their needs and promoter of the necessary solutions, being his/her representative. For example, the guardian may carry out the necessary acts to submit registrations and authorizations. propose sentences with the judge's authorization, initiate criminal proceedings to protect the child if he/she is the victim of a crime, appoint a defence counsel, etc.

Undoubtedly fundamental is the "primary" need: the request for a residence permit.

¹⁰ Articles 1 and 3 of *Legge n. 47/2017*. Disposizioni in materia di misure di protezione dei minori stranieri non accompagnati. G.U.

¹¹ MSNA (Minori Stranieri Non Accompagnati).

¹² SAI (Servizio Centrale del Sistema di Accoglienza e Integrazione). Central Service of the Reception and Integration System.

¹³ Article 14 of Legge Zampa.

¹⁴ Centres activated by the Ministry of the Interior and financed by the Asylum Migration and Integration Fund (FAMI).

Mode	Short description	Target person	Proponent	Responsible	Time of resolution	Where
1 Temporary Residence Permit	Residence permit last 1 year	UMM under custody	Guardian	Bodies exercising the guardianship	1 month – within 9 months	Reception centre for protected minors
1.1 Domicile	Where the address is, the Government Immigration Office will proceed ex officio with the procedure of the residence authorization	UMM, under the resolution of a Residence permit	Children's Services of the Region (Comunidad Autónomas)	The Government Immigration Office also grants the registration card and the document accrediting legal guardianship.	Enter the Children's Services	Reception centre for protected minors
1.2 Foreigner Identity Card	Both: a minor in possession of a passport and a minor without documents	UMM, under the resolution of Resident permit	Children's Services of the Region (Comunidad Autónomas)	Guardian Legal representative	Enter the Children's Services	Reception centre for protected minors
1.3 Residence permit renewal	Renewal for another year as long as the circumstances of its initial concession subsist	UMM, which has the permit in effect	Ex oficio	The Government Immigration Office	During the sixty calendar days prior to the expiration date of the validity	
2 Temporary residence permit due to exceptional circumstances	Minors in the Protection Service who reach the age of majority without having obtained a residence permit	UMM without the residence permit	The interested party (ex UMM)	The Government Immigration Office	1 -6 months	
3 Work Permit	To obtain the residence and work authorization, the Immigration Regulations require the presentation of a one-year full-time employment contract	UMM holders of residence permits, who have turned sixteen	Guardian	The Government Immigration Office	1 – 9 months	
4 Refugee Status	Apply to apply for asylum	The minor follows the same rules and requirements as adult refugees	Guardian	Asylum and Refuge Office and Interministerial Commission for Asylum and Refuge of Ministry of Interior	3 -6 months	Authorized offices

5 Acquisition of Spanish nationality	Acquisition by "residence permit"	UMM who have been subject to protection for at least 2 years + 1 years of legal residence. In addition to good conduct and proven integration into Spanish society	Guardian	Ministry of Justice	2- 5 years	Ministry of Justice
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Table 1. Comparative typology of modes of regularization – Unaccompanied Migrant Minors – Spain. Own elaboration (Ministerio del Interior de Reino de España).

Mode	Short description	Target person	Proponent	Responsible	Time of resolution	Where
1 Residence Permit for Minors	It is valid until reaching the age of majority	The UMMs, for which refoulement or expulsion are prohibited	By the minor directly or by his/her guardian	Immigration Office of the Police Headquarters responsible for the Territory	1 month	Central Service of the Reception and Integration System (SAI)
1.1 Residence Permit for Minors renewal	Residence permit for study, work or awaiting work (1 or 2 years)	Training and conduct requirements	Guardian or Ex UMM	Questura (police headquarters) of residence or domicile	1 month	Residence or domicile
2 Residence permit for family reasons	UMM under fourteen entrusted to a family or distant relative. Valid until the age of majority	The UMMs, for which refoulement or expulsion are prohibited	The same minor with the lawyer or legal operator	Immigration Office of the Police Headquarters responsible for the Territory	1 month	Central Service of the Reception and Integration System (SAI)
2.1 Residence Permit for family reasons renewal	Residence permit for study, work or awaiting work (1 or 2 years)	Staying in Italy for three years and participating in an integration project for two years	Relative or Guardian	Questura (police headquarters) of residence or domicile	1 month	Residence
3 Residence Permit for social protection	Permit granted for 6 months, even in the absence of a passport	UMMs victims of situations of violence or severe exploitation and trafficking		Judicial Authority following a complaint		

3.1 Residence Permit for social protection	1 year renewal. At the age of majority it can be renewed for study or work	Psychosocial assistance programs	Guardian	Questura (police headquarters) of residence or domicile		
4 International protection	Residence permit for asylum request lasting 6 months	Well-founded fear of danger, death or torture in the country of origin	Guardian or Responsible for the reception structure	Territorial Commission for the Recognition of International Protection	Criterion of urgency	Questura (police headquarters) of residence or domicile
4.1 Refugee status	Refugee status	Well-founded reason + violation of children's rights		Territorial Commission for the Recognition of International Protection		
4.2 Subsidiary protection	Actual risk of return to the country of origin	Recognized "serious damage"		Territorial Commission for the Recognition of International Protection		
4.3 Special protection	The same subjects of protection for humanitarian reasons	Appropriate residence permit also protects the private and family life of the UMM		Territorial Commission for the Recognition of International Protection		

Table 2. Comparative typology of modes of regularization – Unaccompanied Migrant Minors – Italy. Own elaboration (Ministero dell'Interno Italiano).

4. Season of reforms and reflection

In 2019 (before the pandemic), only 395 applications were sent, according to the government's response to Senator EH-Bildu's parliamentary question¹⁵. The number is anecdotal when one considers that in 2019 all regions took in almost 5,000 minors¹⁶. Catalonia counted 176 authorisations, then Ceuta with 61, Andalusia with 60, the Basque Country with 17, Murcia and the Valencian Community with 14, Galicia with 11, the Community of Madrid with 10, Aragon and Castilla-La Mancha with 8, the Canary Islands with 6, the Balearic Islands with 4, Castilla y Leon with 3, up to Navarre with 2 and Cantabria with 1.

The small number of protected minors who reach the age of majority in a legal situation manifested the procedural problems in the protection system. The Ombudsman has pointed

out in his reports the urgency and drama of this situation, which is often the result of misinterpretations of existing legislation.

In the season of reforms in the field of immigration (extranjería), there are some significant regulations for the integration of unaccompanied migrant minors that will be mentioned below.

1. *Instrucción*¹⁷ 1/2020, of 6 March, of the "Secretaría de Estado de Migraciones". This norm allows migrant minors of working age from the age of 16 to work without further documentation. This is a clear break with the past, born of the express will of this collective, whose migration project is closely linked to work. It also extends the possibility of acquiring a residence and work permit for young migrants aged between 18 and 23 in the agricultural sector until 30 September 2020, including formerly protected persons.

¹⁵ Question 184/000077.

¹⁶ Secretaria de Estado de Relaciones con las Cortes, 2019.

¹⁷ Decree, here and onwards (author translation).

Many young migrants in an irregular situation had worked in the agricultural industry during the pandemic, the aforementioned Decree regularised their position with residence and work permits who have been employed continuously in this sector.

- 2. *Instrucción* 9/2020 of 29 September. This decree is significant because it entails granting a residence and work permit to young people between 18 and 21 in a legal situation, provided they have been employed in the agricultural sector.
- 3. Royal Decree 13/2020 (Agrarian Decree), of 7 April, adopted specific urgent measures on agricultural employment. Royal Decree 903/2021:
- 1. UMMs can enter the labour market from the age of 16 (and after 18)
- 2. a separate regime for ex-protected young people
- 3. extending the duration of residence permits and allowing young people aged between 18 and 23 who have been forced into irregularity to access a work permit.

In Italy, the Zampa Law of 2017 (Law No 47 of 7 April 2017. Provisions on protection measures for unaccompanied foreign minors) was at the forefront regarding training and protection, as highlighted above. However, in the last two years, due to the health emergency, transfers from the municipal UMMs centers (Centri MSNA) to the SIPOIMI centers have slowed down and, in some cases, been interrupted. This situation has overcrowding and inconvenience. Training and work courses were also suspended, including those for teaching the Italian language. At the end of 2020, Italy enacted Law 173/2020 (which converted Law Decree 130/2020) and introduced amendments to the Security Decree n. 113 of 2018 and n. 53 of 2019 led to reforming the reception system with the transition from SIPROIMI to the Reception and Integration System (SAI). In fact, regarding reception, the new Reception and Integration System has been established, replacing SIPROIMI (Protection System for International Protection Holders and Unaccompanied Foreign Minors) and reverting to a similar system to the previous SPRAR (Protection System for Asylum Seekers and Refugees).

5. Analysis: Andalusia and Sicily

This more specific research concerns the Mediterranean, which, thanks to its "intermediate" geographical position, represents the natural border between Asia, Africa and Europe (Ferrario et al., 2020). This peculiar position of the Mare Nostrum and some of its coastal states makes it possible to investigate how migration strategies undertaken by the youth population can be relevant tools to strengthen networks of relations and synergies with some European countries.

The research aims to reflect on the increased flexibility and complexity of current migration and the capacity for interaction between state and community in a dialectical relationship between the global and the local. Moreover, the unprecedented transformations in the demographic, social, economic and, ultimately, territorial spheres in an increasingly globalized and interdependent world require comparative investigation (Magistri, 2017).

In the broader post-doctoral project comparing Spain and Italy, the need was felt to confront regional areas to circumscribe the problems related to legal status, the first step towards integration. After outlining the issues related to the emergence of irregularity according to the rationalist (legal) approach, we turn to some reflections and research proposals suggested by the humanist (cultural) approach (Brusa, 2004, 2011).

In this section, we focus on the relationship between migration phenomena and geographical contexts, analyzing territorial social capital in the processes of settlement or transit of the young immigrant population (Lazzeroni and 2019. The comparison Meini. Andalusia and Sicily lies in their comparable magnitude in geopolitical and demographic terms. Both are regions of landing, transit, and permanence of migratory flows from North Africa. Both have had the same historical evolution: from being lands of emigrants to receiving immigrants.

The Registry of Unaccompanied Migrant Minors records, as of December 31, 2021, a total of 9,294 minors under guardianship throughout Spain.

34.4% of the UMMs in Spain are in the protection system of Andalusia, 97% are male, and only 3% are female.

67% are minors from Morocco, 7.8% from Algeria, and 5.6% from Mali, following the other sub-Saharan nationalities. Arrivals by sea are 68.8% of the total, bearing in mind that the arrivals by land are registered in the enclaves of Ceuta and Melilla.

On the educational and training front, during the pandemic, Andalusia experienced overcrowding in the reception centres for minors due to the exodus from the autonomous city of Ceuta to the peninsula. The lockdown also resulted in a drastic reduction of personnel, administrative and support staff. Consequently, there have been problems in teaching with the abandonment of intensive courses and language problems due to the need for more computer resources in the residential centres.

On the labour front, pre-employment contracts were interrupted, especially in the hotel and restaurant sector, in a region like Andalusia with a strong tourist vocation.

It should be emphasized that in Andalusia alone, the Agrarian Decree has provided an opportunity for these young people in times of pandemic; during 2021, more than 100 young migrants under the age of eighteen and the age of twenty-one had access to employment and regularization, removing them from the uncertainty of the transition to adulthood and the shadow of irregularity.

As of 31 December 2021, unaccompanied migrant children and adolescents increased by 73% compared to the same period in 2020. The unaccompanied foreign minors surveyed by the Ministry of Labor and Social Policies as of 31 December 2021 amounted to 12,284 (there were 7,080 in 2020): 9 out of 10 are males, primarily 17-year-olds (62.1%) and welcomed mostly in the South and the islands (55.48%). Sicily alone welcomes 28% (3,466), followed by Lombardy with 19%. In Sicily, minors under protection are 77.7% male and 22.3% female. Arrivals by sea are 74.7% of the national total, and the nationalities of origin are much more uneven than in Andalusia.

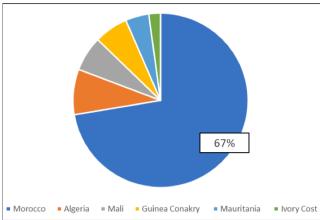


Figure 1. Country of origin (Spain). Own elaboration (INE, Ministerio Interior and Caritas).

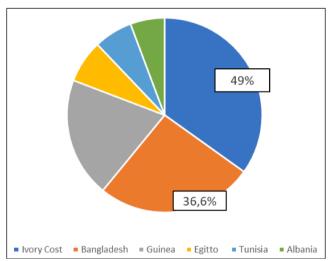


Figure 2. Country of origin (Italy). Own elaboration (Ministero del Lavoro e della Politiche Sociale and Caritas).

49% of the minors in the protection system are of Ivory Coast nationality, followed by 37% from Bangladesh and 28% from Guinea.

The last two years in Sicily were characterized by reduced places in the second reception centres, from 3,142 to 1,727. The pandemic short-circuited the reception system with the brutal quarantine on ships, where three minors died. The problematic quarantine in crowded hotspots, with the downward spiral of the failure to ascertain age.

The cornerstone of the Zampa Law is guardianship, but in the last two years, there has been a progressive reduction in the institution of the voluntary guardian.

On the educational front, the failure to

transfer to the second reception centres caused the interruption of the educational and training process, and remote teaching was also problematic in the dual reception centres, with interrupted the planned training courses for UMMs ex-protected up to twenty-three years old

On the labour front, some virtuous initiatives should be underlined for the Sicilian region, such as the Empowerment Project that involved about 1,000 UMMs in 2020/21, mainly in the catering and tertiary sectors, and Regional Law No. 20/2021 "Regional Law for Reception and Inclusion" that favoured labour insertion in the agro-food sector.

Similarities were found between the two regions examined:

- 1. Vulnerability in the face of COVID (especially for irregular migrants who feared repatriation);
- 2. Increased psychological distress (e.g., escape from the centres);
- 3. Increased inequality (increased exploitation, especially in agriculture);
- 4. Stigmatization and increased racism and xenophobia towards the collective ("necessary enemy theory").

6. Conclusions: from humanitarian migration to functional migration

This migration phenomenon does not follow the paradigm of "social capital" in the territory of immigration due to its "dynamic" nature. The network of norms bypasses the link with social networks at regional, national, European and international levels (Lazzeroni and Meini, 2019).

In fact, the concept of "childhood" prevails over the image of "migration". The sacredness of childhood was defended and codified in the broader "season of rights". Child protection becomes the cornerstone of the defence and protection of the vulnerable collective par excellence. This paradigm is extended to migrant minors, and unaccompanied minors are most exposed to exploitation, illegal trafficking networks, forced marriages and unskilled labour

of criminal groups. Migrant minors without a family reference are children and young people who, due to their situation, are exposed to social exclusion and educational, employment and social difficulties, and social exclusion and educational employment and social challenges. The hopes that accompanied them when they left their country for a better life are dashed, which can also affect them psychologically. The covid-19 pandemic and the ensuing crisis have exacerbated the above. It is, therefore, essential to find out what difficulties this unexpected situation has caused for children and young people on the move and the on children and young people on the move, and consequences it may have on their personal, social and personal, social and professional development.

In Spain, the pandemic has ushered in a season of reforms. Spanish legislation is compensating for the shortcomings of regularization. Until a few months ago, when they turned 18, former UMMs used to leave the protection systems without the residence permits processed. The work permit was directly a chimaera.

During the pandemic in 2020, there were 400 young ex-protected between the ages of 18 and 21 who worked in the fields. More than 100 UMMs and former UMMs regularized in agriculture, only in Andalusia in 2021. At the end of June 2022, 9,300 (UMMs and former UMMs) have benefited from reforming the new Immigration regulations. A further 1,200 applications are in progress, and 77% of applications are successful. This means access to legal status and entry into the legal labour market. More than 3,300 young migrants have renewed their residence permits and have become the workforce and active taxpayers.

And what about the sacred minor? The migration project has become a priority compared to the fundamentals of humanitarian reasons. The homogeneity of this collective, composed mainly of Moroccan adolescents, draws the profile of economic migration and keeping them "prisoners" in the protection system exacerbates their vulnerability.

And in Italy? The Zampa Law was pioneering and partly a model for other national laws. The Zampa Law allows easier regularization and access to the labour market in Italy. However, the training courses are long and

¹⁸ Legge Regionale n. 20/2021 "Legge regionale per l'accoglienza e l'inclusione".

often need a real employment outlet. According to the experts interviewed, the sectors in which young ex-protected migrants are employed are personal services (especially for non-self-sufficient persons, Alzheimer's patients, and severely handicapped persons), the social-health sector, the tourism/hotel/restaurant sector (cook's assistant, dishwasher), the fruit and vegetable sector, and commercial and/or warehouse workers.

In comparison, in Spain, the change has been in favour of employment integration. In Italy, there have been mainly income and inequality support measures. With experience gained through field research, the Author suggests listening to unaccompanied migrant minors and understanding their motivations and goals without caging them in an inadequate protection system, made more to confirm our philosophy than to help their integration.

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Annex: Legislative framework

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