



# POLICY BRIEF

No. 11, February 2023  
Ruth Heylin and Anna Triandafyllidou

## Regularizations of migrants without status in Europe: Scope, impact and lessons learned

### EXECUTIVE SUMMARY

Over the past 15 years, European countries have implemented a variety of regularization programs for migrants without status. In this policy brief, regularization programs that are one-off initiatives are defined as “schemes”, and those that have a stable and continuous character are “mechanisms”. This policy brief provides an overview of the variety of approaches to regularization in Europe over this time period, drawing primarily on examples from Spain, Italy and Ireland, with a view to critically assessing their main features and impact.

Studies have shown that **regularizations improve the employment situation of the concerned individuals as well as their quality of life** including the possibility to have access to basic services (such as health, education, training, banking, accommodation) and to live a ‘normal’ life including good mental and physical health. States can improve social-cohesion and migrant integration by optimizing their approach to regularization.

This analysis has shown that a successful regularization program includes:

- Clear criteria for eligibility,
- A role for civil society organizations in supporting applicants through the process,
- Flexibility in the documents required to prove residency, employment or identity, and
- The provision of ‘firewalls’ (or protections) and temporary permits while the application is in process.

In nearly all cases studied, regularization led to a temporary status that could then be renewed for employment, family, study or other reasons. However, in Europe, accessing permanent residency is a function of length of stay, rather than of requirements such as educational qualifications or employment in a high-skilled job. When regularization programs had realistic eligibility requirements that could be satisfied by the targeted population, uptake improved. Programs that cast the net too narrowly failed.

The analysis also found that **ongoing regularization mechanisms are crucial for addressing endemic situations** in immigration systems where applicants may fall through the cracks of the system, for example, if they transfer between different types of permits and requirements change, or if they experience a biographical event (e.g. a divorce or simply become of age and no longer are under a parent’s permit). Generally, regularization **mechanisms ensure that a country can avoid the formation of pockets of irregularity** and destitution or exploitation, while they also provide safeguards (i.e. requiring a specified length of residence) that prevent causing a ‘pull effect’.

## INTRODUCTION

**Regularization:** “any process or program by which the authorities of a State allow non-nationals in an irregular situation to stay lawfully in the country, by granting them a regular status”. (Office for Democratic Institutions and Human Rights [ODIHR], 2021, pg. 4)

Irregular migration is a multifaceted, dynamic phenomenon that attracts disproportionate media and political attention in Europe and North America, compared to its size. Irregular migration involves different types of irregularity – legal entry and irregular stay, entry with fraudulent documents, entry and abuse of the terms of stay, to name a few. However, as irregular migrants are human beings like anyone else, they are active in both the public and private space: they find employment (usually without appropriate documents) and accommodation, have families, health and education needs; sometimes they actively contribute to their communities despite their irregular status, and advocate for policy change. They thus pose multiple governance, political and moral challenges at the local, national and European levels. Many European states have responded to these challenges with regularization programs.

The widespread reliance on regularization programs in Europe has been widely documented (Baldwin-Edwards and Kraler, 2009, European Migration Network, 2021). Regularization programs have been considered a controversial policy tool in Europe, despite their widespread usage (Brick, 2011). Concerns around regularization programs largely stem from the purported “pull effect”, that regularization programs trigger an increase in irregular immigration; yet, there has been no such conclusive evidence (Polakowski and Quinn, 2022, pg.18, Orrenius and Zavodny, 2016, pg. 13).

In the absence of a pan-European regularization framework, there is substantial variance in the types of regularization programs implemented across Europe. This policy brief sheds light on the variety of regularization programs in Europe, with a particular focus on programs introduced in Spain, Italy and Ireland. This policy brief outlines the different underlying rationales for regularization programs, and the variance in the design and implementation of such regularization programs. It also discusses the contemporary evidence-based findings on the impact of regularization programs.

## UNDERLYING RATIONALE FOR REGULARIZATION PROGRAMS

Regularization programs tend to be categorized in terms of their primary, underlying rationale. The predominant categories in the literature are labour-based or humanitarian (Chauvin, Garcés-Mascareñas and Kraler, 2013, Kraler, 2018). Yet a significant number of regularization programs have neither an explicit labour nor humanitarian rationale. These include programs that are explicitly child rights-based or programs based on the degree of integration, length of residence or on a migrant’s contribution to the community and the State (European Migration Network, 2021, Chauvin et al., 2013). Chauvin et al. have observed that the recognition of “integration” is becoming more prevalent in regularization programs in Europe, while regularizations based on contribution to the State were widely implemented during the COVID-19 pandemic (Polakowski and Quinn, 2022, pg. 18).

To add to the complexity of categorizing regularization programs in terms of their underlying rationale, some programs seek to achieve multiple policy goals. As Chauvin et al. highlight, for example, programs categorized as ‘humanitarian’ may have employment conditions attached (Chauvin et al., 2013).

## DESIGN OF REGULARIZATION PROGRAMS

There is significant variation in the design of regularization programs across Europe. The following summarizes the strengths and weaknesses of key features.

Types of Regularization Programs	
Regularization Scheme	Ad hoc, time-bound policy
Regularization Mechanism	Permanent regularization instrument. Usually enshrined in law.

## Clear Eligibility Criteria

Previous regularization programs have demonstrated the consequences of unclear eligibility criteria. For example, during Italy's 2020 scheme, there was a lack of clarity around the eligibility criteria. The widespread confusion resulted in the Interior Ministry having to publicly clarify the eligibility criteria three times over the lifespan of the regularization scheme (Human Rights Watch, 2020b). In contrast, not only was the eligibility criteria for Ireland's 2022 scheme clear, but applicants who did not meet the key eligibility criterion (i.e. undocumented residence in Ireland) were blocked from applying on the online application portal.

## Employment as an Eligibility Criterion

Several programs introduced by European countries have employment as an eligibility criterion, including programs which do not have an explicit labour-based rationale (e.g. Switzerland). However, as noted in the [2014 Feasibility Study on the Labour Market Trajectories of Regularized Immigrants within the European Union \(REGANE study\)](#), immigrants without status experienced significant difficulty in demonstrating employment through formal work contracts, which affected their ability to apply (Kraler et al., 2014).

Furthermore, under Italy's 2020 scheme, an applicant needed to have an employment contract to apply, and the duration of the residence permit issued to successful applicants depended on the length of the job contract (Caritas, 2021). Applicants have thus been dependent on their employers' willingness to issue a formal contract so that they would be able to apply. While the requirement may seem logical, it actually creates a situation of dependency and possible exploitation of irregular migrants by employers who may be unscrupulous. For example, there were reports in Italy of employers charging prospective applicants up to 3,000 euro to apply to the scheme, employers refusing outright to engage, and reports of applicants paying up to 7,000 euro for fraudulent labour contracts (Caritas, 2021, pg. 12, Kraler et al., 2014, pg. 68).

In contrast, under Switzerland's 2017 scheme (named Operation Papyrus), though employment was an eligibility criterion, an applicant could 'self-declare' their employment (ODIHR, 2021). Under Spain's regularization mechanism, *arraigo social*, which is discussed in detail below, though employment is an

eligibility criterion, a residence permit can be issued to applicants who are not in employment, if they can prove social integration, which is determined by the local authority (Baldwin-Edwards, 2014).

Under Ireland's 2022 scheme, employment was not an eligibility criterion. When asked about this, a spokesperson for the Department of Justice said,

*"The Department was aware that there would be a number of vulnerable people who would meet the criteria for the scheme, who would not be in employment or unable to submit evidence to prove that they had been in employment in the State, and we did not want to exclude this cohort from the scheme. As eligible persons under the scheme held no legal permission to be in the State, it would be reasonable to expect that some of them would not have been in employment."*

Despite the fact that there was no explicit requirement to be in employment, some applicants to Ireland's 2022 scheme were dependent on their employer, for the purpose of providing proof of residence. This dependence was problematic when employers were reluctant to support applicants, for fear that they would be pursued (prosecuted) for breaching employment laws.

## Permitted Absences from the State

Permitted absences from the State vary significantly across regularization programs. For example, under Poland's 2012 regularization scheme, the permitted length of absence from the State was a maximum of 10 months over the four-year period, and a maximum of six months consecutively (Reichel, 2014, pg. 10). Under Ireland's 2022 regularization scheme, the permitted length of absence from the State was 60 days only (Department of Justice, 2022).

## Age of Applicant

Under Ireland's 2022 scheme, the principal applicant needed to be over 18 in order to apply. This requirement was criticized because it was noted that not all undocumented children in Ireland have a parent or guardian who could apply on their behalf. In addition to this criticism, there was a call to regularize all undocumented children without parental care, regardless of their length of residence (Immigrant Council of Ireland, 2021).

## Civil Society Organization (CSO) Support

The significance of CSO involvement in the design and implementation of regularization programs is widely noted (ODIHR, 2021, Kraler et al., 2014, pg. 67). According to the REGANE study, prospective applicants felt more confident applying when they had support from CSOs, employers, family members, etc. (Kraler et al., 2014, pg. 67). In the case of Switzerland's 2017 scheme, 99% of applicants who received CSO support in applying were successful (Halle, 2020). During Ireland's 2022 scheme, the Migrant Rights Centre of Ireland (MRCI), a leading NGO in Ireland, ran support clinics assisting applicants with their applications.

## Accessibility

The application form for Ireland's 2022 scheme was only available through an online portal (Department of Justice, 2022, pg. 8). The absence of a paper form meant that prospective applicants who were less digitally advanced struggled to apply. Consequently, CSOs took on the responsibility of supporting particularly vulnerable applicants in applying. In contrast, applicants to Poland's 2012 scheme went to their local immigration office to apply (Reichel, 2014, pg. 10). According to the REGANE study, applicants lauded this scheme for being quick and easy (Kraler et al., 2014, pg. 67).

## Residency and Identity Documents

A pragmatic approach to determining the residence and identity of an undocumented migrant improves the take-up rate of a regularization program. Often, prospective applicants have difficulty in obtaining proof of residence. A pragmatic approach to determining the residence and identity of undocumented migrants improved the uptake of regularization programs (Kraler et al., 2014, pg. 68).

## Administrative Discretion

A comprehensive study of regularization programs in Europe (REGANE), showed that "the unequal treatment of applications and unequal chances of regularization" were significant flaws in France's 2008 program (Baldwin-Edwards and Kraler, 2009). This inequality was linked to the high degree of discretion afforded to local authorities in assessing regularization applications, who were allowed to "exceptionally

examine" certain applications (Baldwin-Edwards and Kraler, 2009). Yet, in the case of Sweden, variations in approval ratings across municipalities was also observed, but as noted in the REGANE study, "this could, but does not necessarily indicate, different practices, and might also be influenced by different cases" (Johansson, 2014).

## Temporary Permits During Application Process

The waiting time for applications to be assessed caused major psychological stress for applicants (Kraler et al., 2014). This stress could potentially be mitigated by issuing temporary permits while the application is in process. Under Portugal's 2020 scheme, for example, applicants were granted temporary permits while their applications were in process (Polakowski and Quinn, 2022, pg 18).

## Firewalls

Applicants must not be fearful that contacting relevant service providers or providing information about their identity, residence or employment in relation to their regularization application may be used to expel them. Firewalls play an important role in releasing service providers from the obligation to report migrants without status who are applying for regularization, to relevant authorities. According to the Office for Democratic Institutions and Human Rights (ODIHR), firewalls contribute to the effectiveness of regularization programs (ODIHR, 2021).

## SUSTAINABILITY OF REGULARIZATION

In considering the sustainability of regularizations, the ODIHR has recommended that

*"Those who fulfil the criteria for regularization should be guaranteed a regular residence status, of a reasonable duration, preferably at least two years, which allows them to exercise their fundamental rights and which provides a pathway for integration and permanency. In practice this will entail the possibility to renew temporary permits as well as to convert temporary permits into long-term permits."* (ODIHR, 2021, pg. 20)



The residence permits granted under regularization programs in Europe are mostly temporary in nature. A notable exception is Sweden's 2005 scheme, through which successful applicants could also be issued a permanent residence permit directly, subject to some requirements. Under that 2005 scheme, 74% of the applicants were granted permanent residence (Johansson, 2014).

It is important to note that in European countries the transition of a migrant to long-term resident status is subject to the person's duration of stay in the country. In other words, there is no provision in any country that a migrant could arrive directly from abroad with a permanent resident status (similar to what in the US is the 'green card' and in Canada the 'PR card'). Migrants arrive with permits of a variable duration that can range from one to five years in most European countries. Renewing one's permit depends on the type of the permit – whether for employment, family reasons, study purposes or other, and conditions vary. However, the renewal of a stay permit for employment purposes usually requires that the person has a job. There are no additional requirements as to what type of job (e.g. highly-skilled) or a selection process based on human capital (as happens, for instance, in Canada).

Typically, a temporary migrant would hold a two-year permit; they would renew their permit at least once and often twice, until they reach a five-or-more year duration after which the migrant could apply for [EU long-term resident status](#) (after five years of legal residence in an EU country) or for the specific country's indefinite duration status. Such status in Germany is conferred after a period of two to five years (depending on the area of employment and other issues), in Italy and Spain after a period of five years, while in the UK, ten years are required to receive the indefinite leave to remain.

Though most residence permits issued under regularization schemes are temporary, some permits are non-renewable, while other permits are renewable, subject to fulfilling certain conditions. The conditions attached to the renewal of the permit vary substantially. It has been observed that a regularized migrant's occupational mobility is largely contingent on the type of permit given under the regularization program (Kraler et al., 2014).

Some regularization programs have vague conditions for renewal, such as in Ireland's 2022 scheme, where the permit issued is renewable provided that the person "makes every effort to seek employment and does not become a burden on the State". Under other regularization programs, the conditions for renewal are more challenging. In the case of Switzerland's 2017 program, a successful applicant is given a residence permit for five years, but their request for renewal can be refused if they don't satisfy the eligibility criteria, which include the requirement to be in employment and not to be in debt or in receipt of welfare.

In France's 2008 scheme, the fact that the permit was bound to a specific employer and job sector was particularly problematic for domestic care workers (Chauvin et al., 2013).

Spain took a more practical approach by allowing regularized migrants to renew their permit under the *arraigo laboral* if they met at least one of the following criteria:

- i) they were in employment for at least six months before renewal and have employment lined up in the near future;
- ii) they can prove that they have been actively looking for a job and were employed for at least three months; or
- iii) they can prove that their employment ended due to circumstances for which they were not responsible and had been in employment for at least nine months (Baldwin-Edwards, 2014, pg. 5).

In terms of residence stabilization patterns (Vianello, 2021), some disparity has been observed in Spain in the stability of the migrants' path out of irregularity, depending on the regularization program they relied on. To illustrate, 95% of beneficiaries of Spain's regularization scheme successfully renewed their residence permit after the first year and 80% of beneficiaries of Spain's *arraigo* mechanism in 2006 and 2007 successfully renewed after one year. By 2009, about 1 in 7 among the beneficiaries of the 2005 scheme fell back into irregularity, while it was about 1 in 4 among beneficiaries of the *arraigo laboral/arraigo social* that fell back into irregularity by 2009. (Baldwin-Edwards, 2014).

## IMPACT OF REGULARIZATION PROGRAMS

### Take-up Rates

The difficulty in calculating take-up rates to a regularization program is due to the fact that it is nearly impossible to obtain an accurate estimate of an undocumented population in a State to begin with (Jauhainen and Tedeschi, 2021).

To illustrate, in the Irish context, the Migrant Rights Centre of Ireland (MRCI), estimated that between 15,000-17,000 undocumented people lived in Ireland. Yet, 6,548 applications on behalf of 8,311 people were received for the 2022 scheme. Further the MRCI noted that 12% of the undocumented migrants who had come forward to enquire about the scheme were ineligible (Fletcher, 2022). In comparison, in Italy's 2020 scheme, which was heavily criticized, only a third of the estimated migrant population in Italy applied (Human Rights Watch, 2020).

In terms of employment trajectories, the REGANE study found that regularized migrants saw their job opportunities improve overall following regularization. This is also illustrated in the case of Spain, specifically, where employment likelihood increased by 16% and earnings increased by 13.2% for applicants who were successful in the 2005 regularization scheme (Amuedo-Dorantes, Malo and Muñoz-Bullón, 2012).

The REGANE study gives important insight into the impact of regularization programs, based on the qualitative data collected. Yet the REGANE researchers note that reliance on qualitative data to discern the impact of regularization programs is limited, and that "more systematic evidence on the impact of regularizations is thus a crucial pre-condition for evaluating the actual impact of regularization schemes" (Kraler et al., 2014).

Despite this, what can be discerned from the findings of the REGANE study is that the impact of regularization is complex and profound, as it impacts areas beyond employment. Regularization enables a regularized migrant to travel to their country of origin, to access healthcare, to open a bank account, and to take up training/education programs (Kraler et al., 2014). Evidence also suggests that regularization has a

positive impact on a regularized migrant's overall well-being and sense of empowerment (Kraler et al., 2014, pg. 70). Further, the [Parchemins study](#), which explores the impact of regular status on migrants' health and well-being in Switzerland, showed that the Swiss regularization scheme resulted in notable improvement in the overall quality of life for formerly undocumented people in Geneva (Jackson et al., 2019).



### IN FOCUS: SPAIN

Having historically been a country of emigration, Spain experienced an "immigration boom" in the early 2000s (Arango, 2013, pg. 4). Spain's migrant population quadrupled in less than a decade - rising from 1.5 million in 2000 to 6.5 million in 2009 (in a total population of 46 million) (Arango, 2013, pg. 1). By 2004, the population of irregular migrants in Spain was an estimated one million (Arango, 2013, pg. 4). Successive governments responded to this high level of irregularity by introducing a series of ad hoc, time bound regularization schemes, in order to "re-establish formal regularity in the labour market" (Sabater, 2018, pg. 192). In the space of two decades, Spain introduced five regularization schemes, through which over one million migrants were regularized. The most recent regularization scheme was introduced in 2005.

The eligibility criteria of the 2005 scheme differed from the previous regularization schemes. To be eligible to apply, a 40-hour contract for at least six months was required. Agricultural workers needed a contract for a minimum of three months and domestic care workers needed to show that they worked at least 30 hours per week, but could work for multiple employers. (Chauvin et al., 2013, pg. 121). With the exception of domestic workers, all prospective applicants were dependent on their employers to apply, as they were required to provide a valid employment contract for a minimum duration of six months (Baldwin-Edwards and Kraler, 2009). Successful applicants to the 2005 scheme were given a temporary permit for one year. This residence permit came with an employment permit, which was tied to a particular job sector and region in Spain.

Spain also introduced a permanent regularization mechanism under the Organic Law 4/2000, which is referred to as *arraigo*. *Arraigo* can be taken to mean ‘rootedness’ in English. There are three strands to the mechanism – *arraigo social*, *arraigo laboral* and *arraigo familiar* each with different eligibility criteria, outlined in the table below.

To renew the one-year permit provided under the 2005 scheme, it is generally expected that the individual will provide proof of employment. To renew the temporary permit issued under the *arraigo social* after one year, if the applicant cannot provide proof of employment, the local office can nevertheless approve the renewal application if the applicant can prove financial self-sufficiency.

Spain's <i>Arraigo</i> Mechanism			
	<i>Arraigo laboral</i>	<i>Arraigo social</i>	<i>Arraigo familiar</i>
<b>Eligibility Criteria</b>	Continuous residence for at least two years  No criminal record  Employment contract for at least six months	Continuous residence for at least three years  No criminal record  An offer of an employment contract for at least one year  Family ties in Spain OR proof of integration	Parentage of a Spanish citizen child
<b>Duration of permit</b>	One year, renewable if in employment  May apply to renew if unemployed if applicant satisfies certain conditions	One year, renewable if in employment  May apply to renew if unemployed if applicant satisfies certain conditions	One year, renewable
<b>Terms of permit</b>	Permission to work; access to public health system	Permission to work; access to public health system	Permission to work; access to public health system



## IN FOCUS: IRELAND

Ireland developed into a country of immigration in the late 1990s/early 2000s, largely due to the economic prosperity that came during the “Celtic Tiger” era. Ireland has seen net positive migration since 2015 (Sheridan, 2020, pg. 24). The total immigrant population living in Ireland stood at 768,000 accounting for approximately 14% of the total population (of just over 5 million). In 2018, the MRCI estimated that there were between 17,000-20,000 undocumented migrants living in Ireland (Polakowski and Quinn, 2022, pg. 7). Based on their research, they estimate that over three quarters had been undocumented in Ireland for longer than five years and that approximately 93% were in employment.

On January 31, 2022, Ireland launched a “once in a generation” regularization scheme, which provided long-term undocumented migrants in Ireland a pathway to regularity. The scheme sought to regularize individuals “who have a significant period of residence in the State without a residence permit and, therefore, face greater challenges in integrating into society and maintaining labour market mobility” (Government of Ireland, 2021).

Though Ireland does not issue permanent residence permits – with the exception of the permanent residence issued under the EU’s Citizens Directive – and is not signatory to the long-term residence directive, the residence permit period is included in the calculation for the five-year residency requirement for Irish citizenship by naturalization.

When the scheme closed on July 31, 2022, the Department of Justice had received 6,548 applications on behalf of 8,311 individuals. As many as 4,654 applications had been processed by December 2022 and the approval rate currently stands at 97.4%.

**On January 31, 2022, Ireland launched a “once in a generation” regularization scheme, which provided long-term undocumented migrants in Ireland a pathway to regularity.**

When asked about the Scheme in a radio interview, Minister for Justice Helen McEntee said,

*“It will bring some much-needed certainty and peace of mind to thousands of people who are already living here and making a valuable contribution to our society and the economy, many of whom may be very vulnerable due to their current immigration circumstances.”*  
(Undocumented Migrants to Be Regularized, 2021).

Ireland’s 2022 Regularization Scheme	
<b>Eligibility Criteria</b>	Residing undocumented for minimum four years OR Residing undocumented for minimum of three years if dependent children are involved Over 18 to apply Good character
<b>Target group</b>	Long-term undocumented migrants Employment not required Proof of integration not required People with existing deportation orders could apply Asylum seekers could not apply
<b>Duration of permit</b>	Two-year renewable permit
<b>Terms of permit</b>	Full access to labour market; access to social services. Reckonable for Irish citizenship by naturalization
<b>Application Process</b>	Online application only 550 euro, non-refundable fee for single application 700 euro for family application Processed by the Undocumented Unit of the Department of Justice Refusals issued in writing Appeal process available
<b>Miscellaneous</b>	Information on scheme was available in multiple languages CSO involvement in setting eligibility criteria and in implementation



## IN FOCUS: ITALY

Confronted with a high number of irregular arrivals and with significant backlogs and refusals in the asylum system, Italy has used the humanitarian permit as an important safety net for people who arrived in the country, and were refused asylum status but had also faced significant hardship prior to their arrival, notably while transiting through Libya (Kuschminder and Triandafyllidou 2020). While this permit has existed for a long time, it acquired particular prominence during the last few years as an alternative protection and a tacit regularization mechanism. The stay permit for humanitarian reasons has been created in Italy as a residual form of protection available to those not eligible for refugee status, who do not have a right to subsidiary protection but cannot be removed from the national territory because of objective and serious personal situations following the prescriptions of Article 33 of the Geneva Convention (1951) (Open Migration Glossary, 2020; Morgese, 2015).

The stay permit for humanitarian reasons is issued by the *Questore* (who is an executive of the Italian Ministry of Interior), following a recommendation by the *Territorial Commissions for the recognition of international protection* (hereafter Territorial Commissions, which can also be freely translated as regional asylum commissions) when “serious reasons of a humanitarian nature” exist or at the direct request of the foreign citizen. The permit is valid for a period ranging from six months up to two years and can be converted into a temporary stay permit for employment purposes, thus providing a bridge to a temporary or long-term residence status.

The Italian humanitarian permit, which effectively has acted as a tacit regularization mechanism on humanitarian and compassionate grounds, was reformed twice: in 2018 (in a restrictive direction, by a far-right government coalition) and again in 2020 (restoring the previous permit). The so called Lamorgese decree (decree law 130/2020) re-introduced a stay permit for special protection



(*casi speciali*), similar to the former humanitarian protection status, granted for ‘serious humanitarian reasons’ to migrants in situations of risk or vulnerability. This new permit has a validity of up to two years and can be converted to a stay permit for employment, family reasons or study purposes. It provides access to health services, and counts as time spent legally in Italy for the foreigner’s possible future application for citizenship acquisition (after 10 years of legal residence).

In processing *protezione speciale* applications, the following factors are considered by the relevant authorities: prevention of torture or inhuman or degrading treatment (Article 3 of the European Convention on Human Rights (ECHR)), the right to family and private life (Article 8 ECHR), whether the applicant has Italian citizen relatives, whether they have links to the community, for how long they have resided in Italy, their employment status, their housing situation, and their existing ties with their country of origin (PICUM, 2022, pgs. 24-25).

Italy’s Humanitarian Permit Mechanism	
<b>Eligibility Criteria</b>	<p>The foreigner (non-EU citizen)’s earlier application for international protection has been refused, revoked or ended by the relevant Territorial Commission (<i>Commissione Territoriale</i>)</p> <p>The foreigner applies for the permit claiming that there are important (<i>gravi</i>) humanitarian motivations supporting her/his application</p> <p>The foreigner holds a temporary protection permit related to humanitarian reasons, conflicts, natural disasters or other events of particularly grave character, that took place outside the EU</p> <p>The applicant cannot be expelled</p>
<b>Target group</b>	<p>Foreigners who find themselves in a situation of significant risk or vulnerability and have access to no other type of permit (including when their applications for asylum have been refused)</p> <p>Through relevant jurisprudence, the target group has been expanded to include those who have access to no other type of permit but have been living in the country and have been trying to integrate in society through activities of work, training, learning the language and of general social integration</p>
<b>Duration of permit</b>	<p>Six months up to two years</p> <p>It is renewable and can also be converted into a temporary stay permit for employment, study, or family reasons if the applicant satisfies the related requirements</p>
<b>Terms of permit</b>	<p>The permit holder can work</p> <p>Has access to the public health system and use of the services of the asylum seeker reception and support centres, as these are available through local authorities</p> <p>Can apply for a stay permit for work, study or family purposes</p> <p>Time spent under the permit for humanitarian reasons counts towards fulfilling the 10-year residency requirement to apply for Italian citizenship</p> <p>Permit holder cannot apply for family reunification (unless s/he obtained the permit before 2007 in which case if renewed the permits should become one of subsidiary protection)</p>
<b>Application Process</b>	<p>The application must be submitted to the police headquarters (<i>Questura</i>) by filing the relevant module</p> <p>Appeal process available through the courts</p>
<b>Miscellaneous</b>	<p>Civil society organisations and pro bono lawyers are usually involved in both applications and appeals</p>

## CONCLUSION

European countries have implemented a variety of regularization programs over the past 15 years. Studies have shown that regularization programs improve the employment situation of the concerned individuals as well as their quality of life.

An analysis of the various approaches has shown that a successful regularization program includes:

- Clear criteria for eligibility
- A role for civil society organisations in supporting applicants through the process
- Flexibility in the documents required to prove residency, employment or identity
- The provision of 'firewalls' and temporary permits while the application is in process.

Studies also demonstrate that when regularization programs had realistic eligibility requirements that could be satisfied by the targeted population, uptake improved. Programs that cast the net too narrowly failed.

The analysis outlined in this policy brief also found that ongoing regularization mechanisms are crucial for addressing endemic situations in immigration systems where applicants may fall through the cracks of the system. Generally, regularization mechanisms ensure that a country can avoid the formation of pockets of irregularity and destitution or exploitation, while they also provide safeguards (i.e. requiring a specified length of residence) that prevent causing a 'pull effect'.

## About the authors

**Ruth Heylin** has a BCL in Law and French (University College Cork) and MSc in Public Administration: International and European Governance (Leiden University). She is currently Information Officer/Caseworker at the Immigrant Council of Ireland.

**Anna Triandafyllidou** is the Canada Excellence Research Chair in Migration and Integration at the Toronto Metropolitan University. She is an internationally recognized sociologist and migration policy expert whose interdisciplinary research includes a focus on the governance of migration and asylum and the contemporary challenges of migration and integration across different world regions.

## REFERENCES

- Amuedo-Dorantes, C., Malo, M.A. and Muñoz-Bullón, F. (2012). [New Evidence on the Impact of Legal Status on Immigrant Labor Market Performance: The Spanish Case](#). *LABOUR*, 27(1), pp.93–113.
- Anon (2014). [Migration and Social Integration Code \(law 4251/2014 as in force\)](#).
- Arango, J. (2013). *Exceptional in Europe? Spain's Experience with Immigration and Integration*. Migration Policy Institute.
- Baldwin-Edwards, M. (2014). [Regularizations and employment in Spain. REGANE Assessment Report](#).
- Baldwin-Edwards, M. and Kraler, A. (2009). *REGINE : Regularisations in Europe*. Pallas Publications.
- beredskapsdepartementet, J. (2014). [G-03/2014 Ikraftttredelse av ny § 8-13 i utlendingsforskriften – engangsløsning for lengeværende barn](#).
- Caritas (2021). [Demystifying the Regularization of Undocumented Migrants](#).
- Chauvin, S., Garcés-Mascareñas, B. and Kraler, A. (2013). [Working for Legality: Employment and Migrant Regularization in Europe](#). *International Migration*, 51(6), pp.118–131.
- Department of Justice (2022). [Policy Paper on the Scheme to Regularise Long-Term Undocumented Migrants in Ireland](#).
- DLA Piper (2018). [Admission and Stay based on Human Rights and Humanitarian Grounds: A Mapping of National Practice](#).

- European Migration Network (2021). [European Migration Network Study](#).
- Fagasiński, M. (2015). [Wychodząc z cienia](#).
- Finotelli, C. and Echeverría, G. (2017). [So close but yet so far? Labour Migration Governance in Italy and Spain](#). *International Migration*, 55, pp.39–51.
- Fletcher, L. (2022). [Scheme for undocumented migrants closes on Sunday](#). [www.rte.ie](http://www.rte.ie).
- Gil, A.R. (2021). [Regularization of migrants' status in Portugal: immigration or public health policy? – EU Immigration and Asylum Law and Policy](#).
- Government of Ireland (2021). [Minister McEntee announces new landmark scheme to regularize long-term undocumented migrants](#).
- Government of Ireland (2022). [International Protection strand of the regularisation scheme for long-term undocumented migrants now open for applications](#).
- Guidi, C. Triandafyllidou, A. and Kuschminder, K. (2023) Extreme Hardship, Care Ethics and Humanitarian Protection: Lessons from Libya and Italy, forthcoming in *Mediterranean Politics*.
- Halle, M. (2020). [Geneva: Operation Papyrus regularized thousands of undocumented workers](#) • PICUM.
- Human Rights Watch (2020a). [Finally, Good News for Asylum Seekers in Italy](#).
- Human Rights Watch (2020b). [Italy: Flawed Migrant Regularization Program](#).
- Immigrant Council of Ireland (2021). [Department of Justice Consultation on the Scheme to Regularise Undocumented Migrants in Ireland](#).
- International Organization for Migration (n.d.). [International Migration Review Forum 2022](#).
- Immigration Service Delivery (n.d.). [Regularization of Long Term Undocumented Migrant Scheme](#).
- Immigration Service Delivery (2022). [Required Documents Guide - Regularization of Long Term Undocumented Migrants Scheme](#).
- Jackson, Y., Courvoisier, D.S., Duvoisin, A., Ferro-Luzzi, G., Bodenmann, P., Chauvin, P., Guessous, I., Wolff, H., Cullati, S. and Burton-Jeangros, C. (2019). [Impact of legal status change on undocumented migrants' health and well-being \(Parchemins\): protocol of a 4-year, prospective, mixed-methods study](#). *BMJ Open*, [online] 9(5), p.e028336.
- Jauhiainen, J.S. & Tedeschi, M. (2021). [Conducting Research About Undocumented Migrants](#). IMISCOE Research Series, pp.33–60.
- Johansson, I. (2014). ['Particularly distressing circumstances' Regularization and Employment in Sweden](#). *ICMPD*.
- Justice, T.D. of (2018). [Minister Flanagan announces Special Scheme allowing certain non-EEA nationals to apply for permission to remain in the State](#). The Department of Justice.
- Kraler, A. (2011). [Fixing, Adjusting, Regulating, Protecting Human Rights - The Shifting Uses of Regularizations in the European Union](#). *European Journal of Migration and Law*, 13(3), pp.297–316.
- Kraler, A. (2018). [Regularization of Irregular Migrants and Social Policies: Comparative Perspectives](#). *Journal of Immigrant & Refugee Studies*, 17(1), pp.94–113.
- Kraler, A., Reichel, D., Konig, A., Baldin-Edwards, M. and Simsek, M. (2014). [Final Report - Feasibility Study on the Labour Market Trajectories of Regularised Immigrants within the European Union](#) (REGANE I).
- Kuschminder, K. and Triandafyllidou, A. (2020) [Smuggling, Trafficking, and Extortion: New Conceptual and Policy Challenges on the Libyan Route to Europe](#). *Antipode*, 52, 1, 206–226.
- Ministere des Affaires Etrangeres et europeennes (n.d.). [Documents à produire par un ressortissant de pays tiers lors de la demande d'un visa en vue de rejoindre un citoyen de l'Union1 ou un ressortissant luxembourgeois](#).
- Ministry of the Interior (2019). [Translation from Finnish Legally binding only in Finnish and Swedish](#).
- Organization for Security and Co-operation in Europe (OSCE) (2021). [Regularization of Migrants in an Irregular Situation in the OSCE Region: Recent Developments, Points for Discussion and Recommendations](#).
- Orrenius, P. and Zavodny, M. (2016). [Irregular Migration in the European Union](#). Swedish Institute for European Policy Studies.

PICUM (2018). [\*Manual on regularizations for children, young people and families.\*](#)

PICUM (2022). [\*Barriers to return: Protection in international, EU and national frameworks.\*](#)

Polakowski, M. and Quinn, E. (2022). [\*Responses to irregularly staying migrants in Ireland.\*](#)

Reichel, D. (2014). 'This will benefit our society' Regularization and Employment in Poland REGANE Assessment Report. [www.academia.edu](http://www.academia.edu).

Sheridan, A. (2020). [\*Annual report on migration and asylum 2019: Ireland.\*](#) ESRI.

UN Network on Migration (2021). [\*GUIDANCE NOTE Regular Pathways for Admission and Stay for Migrants in Situations of Vulnerability.\*](#)

UNGA (n.d.). [\*International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.\*](#)

Vianello, F.A., Finotelli, C. and Brey, E. (2019). [\*A slow ride towards permanent residency: legal transitions and the working trajectories of Ukrainian migrants in Italy and Spain.\*](#) *Journal of Ethnic and Migration Studies*, pp.1–18.

