Contents

		page
List	t of figures	XIII
Intı	troduction: Drawing, crossing, deleting the borders	1
Ann	na Rita Calabrò	
	 Drawing the borders Crossing the borders Deleting the borders? 	2 5 10
Par	rt I: Drawing the borders	
1.	The borders of Schengen and their functions	21
Ma	aria Antonietta Confalonieri	
	1.1. Mode of governance of EU borders1.2. Closure/openness1.3. Conclusions	21 25 27
2.	Containment policies, human mobility and phantom borde Libya	ers. The case of
Ant	tonio M. Morone	
	2.1. Cheap bargaining at the migrants' expense2.2. Continuity and change in post-Qadhdhafi Libya	32 37
3.	Defining migrants, defining borders. Arrivals in Italy b between illegality and right to protection	oy sea in 2011 43
Emi	nanuela Dal Zotto	
4.	Irrational walls. Lessons from the US-Mexico border	51
Fiai	ammetta Corradi	
	4.1. Introduction	51

vi Contents

			page
	4.2.	The militarization of the Frontera	53
	4.3.	The (in)effectiveness of a wall	56
	4.4.	Un-intended processes and perverse effects	59
	4.5.	C	60
	4.6.	Conclusions	63
5.	Mobi	ility and data. Dataset or data nightmare?	65
Vale	entina I	^z usari	
	5.1.	Introduction	65
	5.2.	Borders: territory and population	66
	5.3.		68
	5.4.	71 1 7	70
	5.5.	0 1	72
	5.6.	Conclusions	73
6.	Migr	ants and internal borders. Rural ghettoisation in Southern Italy	77
Ang	elo Scot	to	
	6.1.	Internal vs external borders	77
	6.2.		78
	6.3.		79
	6.4.	Urban and rural ghettoisation in Italy: the case of the province of	
		Foggia	80
	6.5.	Conclusions	84
7.	Migr	ant workers and the sponsorship system	87
Fede	erica Di	Pietro	
	7.1.	Introduction	87
	7.2.	The recruitment of migrants through temporary employment agencies	89
	7.3.		91
	7.4.	The lack of legal protection for migrant workers	92
	7.5.	Conclusions	94
8.		Centers for Identification and Expulsion (CIE) and immigration agement. Criticalities and possible improvements	97
Salv	atore T	uccari	
	8.1.	Introduction	97
	8.2.	The creation of CIE	98
	8.3.	CIE and administrative custody	100

			page
	8.4.	Treatment in the CIEs and the absolute reservation of law	101
	8.5.	The reserve of jurisdiction	102
	8.6.	From the Centers of Identification and Expulsion to the Centers of	
		Stay for Repatriation	104
	8.7.	Conclusions	105
9.		nalization of irregular migration. Between the domestic courts and ourt of Justice of the European Union	109
Zuza	anna Br	ocka	
	9.1.	Introduction	109
	9.2.	Complexity of the Return Directive	110
	9.3.	Return decision: voluntary departure or removal?	111
	9.4.	Detention as a measure of last resort	112
	9.5.	The CJEU interpretation	113
	9.6.	El Dridi – on undocumented migrants' rights	113
	9.7.	Achughbabian – impossibility of a prison sentence?	115
	9.8.	Sagor – fines to penalize illegal stay?	116
	9.9.	Mbaye – a different approach?	117
	9.10.	Conclusions	117
10.		daries and precision medicine in consanguineous migrant couples.	
		ic counseling after the identification of fetal pathologies	121
		ncioni, Cristina Catania, Francesca Acerbi, Arsenio Spinillo, Alessia ir Edibe Kurtas, Edoardo Errichiello, Orsetta Zuffardi	
	10.1.	Consanguinity and genetic disorders	121
		Genetic counseling in consanguineous couples of migrants	122
	10.3.		
		MIGRAT.IN.G. project	122
	10.4.	General conclusions	123
	10.5.	Results of the talks with the seven migrant couples subjected to	
		ethno-psychological evaluations and the administration of specific	
		questionnaire by psychiatrists	123
	10.6.	Interviews and statistical evaluations	123
	10.7.	Control subjects	128
	10.8.	Conclusions of the interviews conducted by the psychiatric team	129

			page
Part	II: Cro	ssing the borders	
11.		ffense of facilitating illegal immigration. Current questions about the raints of the Italian jurisdiction	133
Luisa	ı Frigen	i	
	11.1. 11.2.	The offense of facilitating illegal immigration The extension of the Italian jurisdiction to facilitation of illegal	133
		immigration	139
12.	and s	companied children in the EU. Towards a higher standard of protection support for "Children on the Move" – unaccompanied minorstrants in the EU	145
Kata	•	Gromek-Broc	,
		Structural inconsistencies in a fragmented legal framework	145
		Unaccompanied minors in the CEAS system	146
		The 2016 Proposal for Reform of the CEAS system regarding	1 10
	12.5.	unaccompanied minors	151
	12.4.	Conclusions	158
13.	The r	ight to free legal aid for migrants. For effective access to justice $\it li$	163
	13.1.	Effective access to justice for all: the role of legal aid	163
		Legal aid in the human rights background: nature and content	164
	13.3.	Free legal aid for migrants: a European perspective	166
	13.4.	Legal aid in the prospective CEAS reform: one step forward and two	
		steps back?	172
14.	Boun	daries of identity and belonging in migration	179
Mari	ia Assur	nta Zanetti and Gianluca Gualdi	
	14.1.	Introduction	179
		In search of identity: a balancing act	179
		Boundaries or barriers?	181
		Identity or culture problems?	183
		Family boundaries	184
		Conclusions	187

			page
15.		ng and losing. Space crossing, identity perception and reinvention in Century Mediterranean exile	193
Aria	nna Ari	isi Rota	
	15.1.	Beyond the Alps	193
		Sailing off and landing in the Mediterranean	197
		Dead men (and women) walking?	200
	15.4.	Conclusions	201
16.	Time	boundaries of identity	207
	a Rita (•	
		Yesterday: an ordinary normality	207
		History and destiny	208
		The journey	211
		Waiting period	214
		Resilience	216
		The present and the future	217
17.		ectual migrations and elites' formation beyond the boundaries. Fostudents, Jews and non-Jews, and Italian universities (1900-1940)	222
Elisa	. Signor	i	
	17.1.	A 'hidden' mobility phenomenon	222
		A general overview: trends and phases	224
		In liberal Italy	225
	17.4.	Contradictory internationalization in the fascist era	227
	17.5.	Jewish students: 'unwanted' guests	230
	17.6.	Sources and archives	231
18. Barb	Narra para Ber	iting migration	237
10	C		250
19.		ing borders. Genetic mutations	253
Cesa		esino and Carla Olivieri	
		The disease	254
		Genetic heterogeneity	255
	19.3.	Families and new mutations	255
	19.4.	Geographic distributions	255

			page
20.	Borde	ers of identity. Return migration and failure in West Africa	265
Giul	lia Caser	ntini	
	20.1.	Introduction	265
		Methodology and the state of the art	266
		Border crossing in West Africa: contemporary challenges	267
		Identity construction and de-construction: who is the returnee?	269
	20.5.	The experience in Europe: expectations and failures	271
	20.6.	Conclusion: a way forward	273
Part	III: De	eleting the borders?	
21.	Gener	ic identities beyond conventional boundaries	279
Aless	andro A	lchilli and Ugo Perego	
	21.1.	Introduction	279
		Genetic markers	280
	21.3.	Migration in ancient times	281
		Migration in modern times	282
		Individual ancestral migrations	283
	21.6.	Beyond the concept of biological race and conventional boundaries	286
22.	del".	st.In.G. "Migrations: towards an interdisciplinary governance mo- Some considerations on the contribution of legal scholars to the gic Project of the University of Pavia	291
Erne	esto Bett	e ,	
23.	Freed	om of movement and new immigration rights	301
Care	olina Sir	noncini	
		A cosmopolitan theory between philosophy and law International humanitarian law as a starting point for a juridical	301
		ppolitan theory	303
		Freedom of movement and residence for migrants	310
		The conditions for a cosmopolitan theory	314
24.		national law as limit to States' discretion on migration and the urge	
		ternative legal pathways. Humanitarian corridors opened by private ors in Italy	317
Crisi	-	npiglio and Carola Ricci	
		Introduction	317
	24.2.	Entrance, residence and expulsion: universal rules	318
		<u>*</u>	

			page
	24.3.	The legal status of migrants	320
		The status of refugee	322
	24.5. 24.6.		324
		the judgment X and X v. Belgium	331
	24.7.	Which other legal basis under international law?	333
	24.8.	Open issues for the spread of a virtuous practice in Europe	337
25.	Emig	rations and immigrations in South America. Legal aspects	345
Gior	vanni C	ordini and Andrea Iurato	
	25.1.	Italy and Latin America in Giulio Cesare Buzzati's opening speech of the Academic Year at the University of Pavia (1906)	345
	25.2.	Citizenship and immigration in Latin America: the prevalence of jus soli	347
	25.3.	New migrations and migratory policies in Latin America	348
	25.4.	Origins and establishment of the right to migrate in recent reforms	349
	25.5.	The discursive gap	353
	25.6.	Hesitations and developmental perspectives in the Argentinian	
		jurisprudence	354
	25.7.	Minimal role of judges and applicative expectations of the Ecuadorian reform	356
	25.8.	Content and perspectives of the right to migrate	358
26.	_	iencing and crossing borders through music	363
ruw	ria Caru		
		Conditions experienced by irregular foreigners in Italy	364
		The action research	366
		Oghene Damba	367
		Viens Voir	368
	26.5.	To create harmonies from differences	371
27.		voices beyond the borders. The experience of the Italian exiles in Londra (1940-1945)	375
Fran	icesca Fi	iorani	
	27.1.	The 'war of words' and the role of the BBC	375
		Enemy aliens or resources? The management of the foreign staff	377
	27.3.	·	379
	27.4.	Speaking to Italy beyond the border: the topics of the radio broadcasts	380
	27.5.	Radio Londra, an experience of democracy	384

xii Contents

			page
28. 7	Γhe gı	reat migration game. Who wins and who loses?	387
Flavio .	Anton	io Ceravolo	
2	28.1.	Introduction	387
2	28.2.	The consequences for the societies of departure	389
2	28.3.	Effects on host countries	391
2	28.4.	Managing the phenomenon of migration: errors and omissions	394
2	28.5.	The great game and its consequences	396
Index			399
Contri	butors		417