Routledge
Taylor & Francis Group

Journal of Ethnic and Migration Studies

ISSN: (Print) (Online) Journal homepage: www.tandfonline.com/journals/cjms20

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To cite this article: Maurizio Ambrosini, Samuele Davide Molli & Maristella Cacciapaglia (26 Jun 2024): Institutional discrimination and local chauvinism. The combative role of pro bono lawyers in defence of migrant minorities' welfare rights, Journal of Ethnic and Migration Studies, DOI: 10.1080/1369183X.2024.2366304

To link to this article: https://doi.org/10.1080/1369183X.2024.2366304

Published online: 26 Jun 2024.

JOURNAL OF ETHNIC AND MIGRATION STUDIES
https://doi.org/10.1080/1369183X.2024.2366304

Institutional discrimination and local chauvinism. The combative role of pro bono lawyers in defence of migrant minorities' welfare rights

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ABSTRACT

The paper deals with the issue of institutional discrimination in relation to the welfare access of migrant minorities in Italy, with a specific focus on the subnational level. Adopting a socio-legal approach that is based on a series of lawsuits, it discusses the role of pro bono legal advocacy in identifying and removing bans introduced by territorial administrations against migrant minorities. First, the paper examines what kind of explicit and implicit criteria of exclusion were introduced. Second, it explores the reasons behind, highlighting why and how «Italians first» has become a widespread welfare politics at subnational level as well as to what extent such sentiment has led to an obstinate resistance for the application of anti-discriminatory principles. Third, the paper brings to the attention the series of obstacles that pro bono lawyers encounter in their activity, showing which problems influence their mission against institutional discrimination in Italy.

ARTICLE HISTORY
Received 19 December 2023
Accepted 6 June 2024

KEYWORDS
Institutional discrimination; welfare access; legal advocacy; local level; welfare chauvinism

1. Introduction: discrimination against migrant minorities[1] at institutional level

Discrimination, like a shadow, has accompanied the arrival and settlement of populations seen and classified as «immigrants» since the onset of international migration to industrial societies (Solomos 2020). Not foreigners in general, but those foreigners seen as poor, backward and less civilized have always and in various ways been subject to collectivised and stereotyped representations, as well as unequal treatment compared to national citizens, even on a legal level and when interacting with public authorities (Anderson 2017).

Discrimination, indeed, may come in many forms (Pincus 1996) and, in this article, we focus on the institutional one. This can be defined as the set of policies, standards and practices deriving from public institutions that systematically benefit certain groups and disadvantage others (Goldstein 2013), limiting their access to resources and opportunities. This form of discrimination is maintained by the laws, organizational

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guidelines, or traditions of an institution and may occur in direct and indirect modes (Cunningham and Light 2016). The first relates to explicit public policies that sought to consolidate and reproduce inequality, while the second consists of policies or practices that create disadvantages without explicit anti-minorities intent.

The fact that discrimination can originate from institutional bodies also carries the risk that it may become accepted and tolerated, leading to an effect of legitimization which, in turn, makes more difficult to denounce and combat it (Talpin 2023). Migrant minorities, and their representatives, are often concerned with displaying loyalty towards the State, of preventing accusations of fostering tension or radicalism: as in the French case (Dazey 2023), where they can downplay and minimize cases of unequal treatments. This is the reason why antidiscrimination, especially in the form of civic coalitions, plays a crucial role. Organising lawsuits against public institutions requires practical support, time, experience and specific competence (Galli 2020; Terlouw and van der Pas 2024): all resources that migrant minorities may not adequately dispose.

Considering these premises, the paper deals with institutional discrimination in specific relation to welfare access at the subnational and, in particular, local level. The question of the admission of migrant minorities into the principal scheme of social protection of European democracies has generated intense and controversial debates among policy makers and public opinion (Mau and Burkhardt 2009). Releted fears for the abuse and/or the erosion of welfare caused by the demands of immigrants have become a crucial argument for the success of various populist (but not only) political parties (Jessoula, Natili, and Pavolini 2022). They have echoed narratives aimed to re-establish the priority of natives or, in other terms, to re-affirm the ethnic status as «true criterion» for receiving solidarity (Kymlicka and Banting 2006).

How this chauvinist rhetoric has led to institutional discrimination is our focus, and we thus investigate, with reference to the Italian context and the regional and local level, on which base discriminatory rules were introduced, which types of benefits or services are denied, in which ways territorial authorities try to combine formal respect to equality of treatment and the political purpose to exclude or disadvantage migrants. As we will stress, this kind of discrimination also stems from the relatively wide margin of autonomy that regional and local authorities enjoy in Italy (Bifulco 2016; Marconi and Cancellieri 2022).

The article, on the other side, will consider the opposition against the introduction of discriminatory barriers, investigating the role of legal advocacy. In this respect, institutional discrimination can be also placed into the framework of the battleground of immigration policies (Dimitriadis et al. 2021; Ambrosini 2022). Precisely, as we will show, the mission of pro bono lawyers who act as «sentinels» to monitor – and to appealing against – the conduct of institutions represents a key example of the ways in which civic forces can «contest, change and, even, cancel» discriminatory choices. In this sense, the conflictual dynamics that configure «the local battleground of welfare access» are our guiding line and, in exploring the ways of opposition, the article will also raise the issue of the low engagement by migrants' associations, and by the same victims, in juridical struggles against forms of unequal treatments.

Thus, by discussing these two correlated arguments: (A) institutional discrimination in subnational welfare and (B) its contrast guided pro bono lawyers, our paper contributes to the literature in the following ways.

(A) First, while most of the studies on welfare chauvinism and its implications consider the national level, we instead shift the focus to the subnational field, where the introduction of discriminatory barriers is rarely investigated (Bendixsen and Näre 2024), partly because these are often hidden. Our argument becomes even more salient if we consider the rise of populism beyond general elections. A new stream of scholarship (Paxton 2023) highlights its success and rooting in territorial administrations, with consequences for the governance of issues related to migrant minorities and, as we will show, for their welfare rights.

(B) The second major way in which this paper aims to contribute to literature relates to the role of civil society organisations (henceforth CSOs). Here too we find another key debate, but we focus on a specific form of action from their repertoire, namely the legal advocacy, as it de facto represents the main instrument to try to change «the rules of the game». In this sense, while the role of CSOs, in the field of welfare, has been explored in terms of (1) providing support and (2) intermediating (or brokering) benefits (Voivozeanu and Lafleur 2023), we discuss (3) their juridical activism for how the access is ruled. Moreover, rarely the problems that regard the not-easy (and specialistic) activity of antidiscrimination are considered. Reason why we will also present three main difficulties when lawsuits involve migrant minorities and are organised against public institutions.

According to these aims, we start to discuss the subnational dimension of welfare chauvinism. We then consider antidiscrimination and the role of civil society, and we pass to frame the Italian case. The paper explains the socio-legal interdisciplinary approach that informs the methodology of our study and that guides the analysis of data. We present 15 anti-discriminatory lawsuits selected from a national project and, by triangulating 95 juridical and media documents with 20 interviews conducted with pro bono lawyers who organised the same disputes, we examine (a) the different ways in which public institutions (try to) introduce criteria of exclusion against minorities at subnational level, (b) the political meanings behind their use and (c) the problems involved in the non-easy and often complex activity of advocacy. We conclude highlighting the main findings and problems which remain open and unresolved.

2. Framing the subnational dimension of chauvinism for the access to welfare

An intrinsic ambiguity marks the admission of migrant minorities to modern welfare states. These, in origin, were created in the context of ethnically and culturally homogeneous populations and on the idea of protecting and privileging their «natural recipients» (Mau 2004; Mau and Burkhardt 2009). In synthesis, welfare schemes were imagined, and then institutionalised, in the form of closed systems, whose boundaries coincided for most of the time with the criterion of nationality (Ferrera 2005). The politicisation of this «original ambiguity» has led to various forms of anti-immigrants' rhetoric aimed at re-affirming the (ethnic) priority of native-born citizens for the access to benefits and services (Ambrosini and Molli 2023). Their resonance and success can be easily demonstrated by «thirty years of welfare chauvinism» (Careja and Harris 2022).

The theme opened to a wide literature, where a line of analysis, which combines social policy with migration studies, examines the presence of conditionalities that restrict the

admission for migrant minorities. For example, Koning (2022) has coined the concept of «immigrant-excluding welfare reforms (IEWRs)» to grasp the different ways in which barriers are introduced. Similarly, Vintila and Lafleur (2020) supervised a comparative project, which includes 27 countries of EU, detailing several barriers of exclusion for all the series of benefits and measures that are not directly linked to employment. Their study «still shows the existence of significant inequalities in access to social protection for individuals coming to or moving out of the EU» (ibidem: 28). Moreover, beyond explicit barriers, which are easier to identify, they also recall the impact of a series of much more subtle mechanisms of exclusion, less evident but no less important.

While these analyses have the merit to examine the effects of chauvinist policymaking, the subnational dimension of exclusion has often remained in the shadow (Bendixsen and Näre 2024), even if important social rights – e.g. housing – are ruled and provided by territorial administrations. Here, migration scholars – especially when a «local turn» has taken place in their studies – have paid attention to the «agency» of these actors, as they can pursue their political agenda for different issues related to the governance of migration and refugees. A growing body of literature frames their role, and the margins they have, in terms of multi-level dynamics (Campomori and Caponio 2017; Zapata-Barrero, Caponio, and Scholten 2017). In synthesis, this approach explores continuities or divergences between levels of policymaking, and we may identify two main insights – at antipodes – for why we decided to focus on the subnational dimension.

On the one side, some studies suggest the positive role of local administrations. For example, Magazzini (2018) examined how in the Spanish Basque Country social rights have been reinforced for migrants and refugees. Similarly, in the comparative work of Hinger and Schweitzer, Zentai notes that «at the sub-national and local levels, the practicality of inclusion often reconfigures or neutralises the ethno-nationalist rhetoric» (2020, 210). Here, the reason for an inclusive approach comes from the fact that territorial administrations, having to deal with migrant minorities, tend to become more «pragmatic». Probably, the main example of the positive role of territories is that of sanctuary cities (Bazurli and de Graauw 2023), namely those administrations who manifest strong divergence from – and conflict with – national policies, especially, as explained by Spencer (2020), for the case of irregular migrants, who represent «the excluded par excellence» from welfare rights.

On the other and opposite side, as observed by Fauser (2021) and Łukasiewicz, Oren, and Tripathi (2023), the fact that territorial actors are generally seen as more efficient and inclusive has instead led to underestimate the presence of unequal opportunities. The same argument has been considered by Van Breugel (2020) as well as by Bendixsen and Näre in their agenda on the practices of *welfare state bordering*, encouraging the study of «bordering effects produced by multi-level welfare state governance as a theme that has been less discussed» (2024, 3). They, indeed, recall the need for a more systematic examination of the ways in which social rights are managed and controlled at local level, where administrations dispose of discretional powers, as in the emblematic case – that we will explore – of using residence as a criterion of exclusion.

In addition, beyond the implementation of explicit or implicit discriminatory barriers, territorial actors may also influence the national policymaking in chauvinist terms. For example, Afscharian et al. report the case of various city administrations in Germany. In 2016, these have complained about the (perceived) pressure for the opening of

welfare to migrants and, in particular, lobbied for «the legislative proposal to exclude EU migrants from social assistance» (2024, 2); here, the «pragmatic reason» we mentioned before it has instead been used (or exploited) by subnational actors to request a national law for restricting the admission to welfare rights.

A more in-depth and critical analysis of subnational exclusion comes also from studies on the «rescaling» of welfare and its implications, especially in times of austerity and less national investments (León, Pavolini, and Guillén 2015); this is a trend that has made local institutions more responsible for the governance of welfare, calling for greater control and reduction of public spending. The result has been a push to select and limit the access, with effects for those who have less lobbying powers (Andreotti and Mingione 2016), including migrant minorities (Semprebon 2021).

Another and correlated reason for considering the subnational dimension comes from recent research on the rise of populism at this level (Paxton 2023). As Peace and Paxton (2024) have observed in their study, while populist parties, once they have won territorial elections, tend to reduce their radicalism – showing what they call «a sense of pragmatism» – for the governance of economic or administrative issues, they instead invest in their «true image» when dealing with issues related to migration and refugees, as in the case of social rights we explore.

3. The role and mission of anti-discrimination for the access of migrant minorities to welfare

The non-discrimination principle represents one of the major policy paradigms that emerged throughout the Europeanization process (Amiraux and Guiraudon 2010, 1692). A key mandate of EU institutions was to guide member states to accept and implement juridical guidelines against direct and indirect forms of discrimination with the aim to ensure greater and effective parity of treatment of minorities with national residents (Guiraudon 2009), as in the case of preventing unjustified distinctions for the access to welfare on which our paper focuses.

Although social protection represents a key chapter in the EU anti-discriminatory agenda (Joppke 2010), as we have observed, various barriers «exist and persist». This gap in the implementation of non-discrimination principles, in the first instance, derives from the resistance to the processes of transposition of directives in nation-based legislative corpuses (Belavusau and Henrard 2019). In the second instance, and for the specific case of welfare we consider, their juridical incorporation collides with the implications of admission and immigration policies (Bazurli and Campomori 2022), which are still largely in the hands of single states (Baldi and Goodman 2015). Precisely, the *stratification* of welfare rights in EU countries, and their consequent *hierarchisation* (Bolderson 2011), is indeed the result of the *differentiation* of legal statuses that are recognised to migrants. In this sense, the degree of inclusiveness of welfare systems for migrant minorities is still profoundly «shaped by» and «subjected to» the ways in which their arrival and settlement is governed at national level.

In considering this misalignment for a full acceptance of EU principles, civil society has instead tried to bridge this gap, both by monitoring the policymaking and through the organisation of lawsuits against its discriminatory implications. Various civic coalitions were born, and their juridical activism is part of a wider and complex social

infrastructure which is often termed «migrant solidarity» (Della Porta and Steinhilper 2021; Dimitriadis and Ambrosini 2023; Magazzini and Desille 2023; Molli and Eade 2024).

A growing literature paid attention to the role of CSOs as «meso-level actors» who work in support and defence of migrant minorities. Here, welfare rights received a specific interest as CSOs can act in three main ways. They can operate as (1) providers of social services and (2) intermediaries for welfare rights. This theme has also been studied by Voivozeanu and Lafleur (2023), who coined the concept of «welfare brokers», focusing on how CSOs fill the gap – especially in terms of knowledge – that prevent access to social protection.

In the repertoire of action of CSOs, how they promote (3) juridical advocacy against «the rules of the game» is less studied. Here, their function is that of contesting and changing how the access is *de facto* designed, often by appealing to supranational principles we introduced before. In various countries, courts, indeed, played a crucial role for the removal of welfare barriers, becoming one of the major players in terms of equity.

At the same time, as shown by Talpin (2023) and Dazey (2023), working for anti-discrimination is often a complicated activity. Terlouw and van der Pas (2024) report, indeed, the persistent gap between the «law in the books» and the «law in action» for those who operate in this field. As the same recall: «this is inevitable: the law is general and needs to be interpreted, and when the question concerns non-discrimination law and ethnic discrimination, this gap is even more significant (2024, 2). Similarly, Galli (2020) examined the different strategies used by lawyers – by matching universalistic principles with particularistic experiences – to help undocumented immigrants for the access to membership rights. What emerges in these studies is that juridical advocacy needs time and expertise as well as it requires ability to prove the admissibility of the case, especially against public institutions. Reason why another attitude we will see in a specific section dedicated to lawyers is perseverance.

4. Migrant minorities' welfare access in Italy: a border in movement

We now frame the case of Italy in relation to the debate on the subnational dimension of welfare chauvinism and, vice versa, by considering the role of civic organisations who, as explained by Chiaromonte and Guariso (2019), acted as «barrier against the introduction of barriers». In this sense, the relation between migrant minorities and Italian welfare system can be grasped by the concept of «border in movement», an oxymoron that intends to capture the prolonged and highly stratified juridical process of confrontation and conflict between political choices and advocacy initiatives.

Especially since 2000, when the «mainstream approach», reiterated for years, was to reserve social assistance benefits only for migrants with long-term permits (Guariso 2021), various CSOs, including trade unions, initiate to operate in terms of anti-discrimination. Here, we can recall two important steps. The first relates to the role of the constitutional court and, in particular, a verdict that, in synthesis, argued that there is an «essential core of social rights» which cannot be limited (Chiaromonte and Guariso 2019). Another turning point was the transposition of the European Directive (2011/98–25.12.2013) that forced member states to ensure equal treatment as with Italian citizens for non-EU citizens holding resident permits for work. Their combination was at

the basis of a «ten-years season» of judicial actions which achieved important results; several judges, indeed, disapplied a series of policies aimed at excluding, especially but not only, non-EU citizens, granting social benefits to migrants holding a work permit.

Despite the principles affirmed, conflicts, however, continued, especially when single welfare benefits were progressively introduced at the subnational level. Over time, as in other countries (Andreotti and Mingione 2016), regional and local authorities, as we will see in four areas, have received specific powers for the design and provision of welfare (Bifulco 2016). This «subnational autonomy» has become a means to create political consensus and, in turn, has often been exploited in terms of restrictive conditions (Ambrosini 2013). Thus, although courts posed important premises for «the right to have rights», at the subnational level, public authorities persist, instead, in claiming the possibility of introducing limits. This opposition often happens through the introduction of «apparently non-discriminatory requirements» (Chiaromonte 2020), namely using barriers that (seem to) respect anti-discrimination principles posed by the Italian and European laws, such as the adoption of residence and not of the national origin as criterion of access.

Moreover, the protagonism of local authorities is also aided by the fragility of the *ad hoc* national agency (UNAR) for the mapping of discrimination (Magazzini 2020). Specifically, it presents two main limits: (a) it is subjected to the Presidency of the Council – namely it depends on the national government in charge – (b) and it lacks sanctioning powers against public administrations and territorial governments. In other terms, it has, at best, a consultative rather than a practical mandate.

Hence, the extension of welfare to include migrant minorities in Italy has been a «case by case affair», developed, principally, in courts, becoming, in this sense, a «fragmented process». Using a metaphor, it produced an «archipelago of sentences», especially if we consider that, at the subnational level, the access to single benefits has been further differentiated, often in restrictive terms. We analyse this dynamic, starting from the research design that we adopted for the selection of case studies.

5. Cases of institutional discrimination at subnational level and methods of inquiry

The paper relies on data gathered for the research project *L.A.W - Leverage the Access to Welfare*, developed between 2022 and 2023, in collaboration with *ASGI* - Association for Juridical Studies on Immigration - and *CSMedì*, a research center, based in Genoa, that studies the dynamics of migration. Promoting equal access to welfare was the focus, reason why institutional discrimination represented an issue that the project has considered by assessing which direct or indirect barriers exist.

The juridical know-how of pro bono lawyers has been a precious support, given their commitment in identifying obstacles and organising litigations for effective removal. We thus decided to focus, in collaboration with a group of lawyers, on the functioning of «anti-discrimination advocacy» against public administrations. In other terms, their mission was our empirical inspiration.

Examining the ways in which lawsuits are organised has also meant to analyse «why and how» discrimination has reached and permeated the institutional level. Juridical

disputes provided a rich empirical database for inquiring into the reasons behind the adoption of «policies and practices» that (re)produce disparities among possible beneficiaries as well as for exploring their administrative use as tools for maintaining «privilege and power» in welfare access.

In this sense, before being a legal affair in courts, institutional discrimination has been conceived by us as a social phenomenon. For this reason, we combined juridical and sociological approaches, and the design of the research was developed through three methodological phases:

1. The first was carried out through an extensive monitoring of the legal disputes promoted by the group of lawyers who participated to the study against various public entities for the correct application of the current European and Italian law on immigration, asylum and citizenship.
2. In the second phase, we selected cases moved against regional and municipal administrations – excluding controversies for benefits ruled at national level, e.g. the citizenship income – namely we considered only subnational disputes.
3. In a third phase, we selected 15 cases. This sample has been chosen according to two analytical axes. (A) It exemplified the variability of the phenomenon in analysis, in terms of including the principal types of welfare benefits denied to migrants. (B) The selection was also supported by a juridical criterion, namely we focused only on cases officially sanctioned by courts as discriminatory (at least by a first level of judgment). This type of guideline guarantees the «non-arbitrary» at the basis of our selection, corroborating the research design.

The sample includes disputes related to four welfare areas (housing, health system, childcare, monetary bonuses) which are ruled and provided at sub-national level; specifically: (5) calls for public housing/social funds for housing, (4) registration to the health system/economic bonuses for healthcare needs, usually called «in cash sickness benefits»/ (3) monetary supports to families for childcare and (3) emergency measures (adopted during the pandemic crisis).

All the details of the cases selected are reported in Table 1, which provides information on (a) the type of welfare provision considered, (b) which local authority was sued, (c) their political orientation, (d) the starting date of the lawsuit and (e) which type of barrier has been sanctioned as discriminatory.

With respect to the method adopted, 95 documents were gathered. These include the main administrative and juridical materials related to each case selected, such as:

A. The public calls that rule the access to a specific welfare measure.
B. Cease-and-desist letters that usually precede the intent of a dispute.
C. Defensive memories of the parties involved for the support of the respective juridical thesis.
D. All the final court judgments.

These types of juridical documents (in total: 65) allowed to identify the «escamotages» that public institutions have introduced to restrict the welfare access. The same material has also permitted to explore on which logics lawyers organised their opposition to

Table 1 Discrimination lawsuits related to welfare access against subnational administrations.

Case N.	A) Type of welfare benefit	B) Administrations involved C) Political guidance[3] D) Beginning of the dispute	E) Type of criterion judged discriminatory
1	Social Housing Funds (for households in need)	Valle D'Aosta Region, *Union valdôtaine* (regionalist party) – 2018	a) Long-term permit for applicants b) Four-year residence in the Region c) Burden to provide documents of 'global non-ownership of property'
2	Public Housing Call	Municipality of L'Aquila, *Fratelli d'Italia* – 2018	Long-term permit for all members of the applicant family
3a	Public Housing Call Notes: Two different lawsuits (3a and 3b) against two different criteria in the same call	Municipality of Genoa, independent candidate sustained by a centre-right coalition – 2020 Liguria Region, *Forza Italia* – 2020	Burden to provide documents of 'global non-ownership of property'
3b	Public Housing Call	Municipality of Genoa, independent candidate sustained by a centre-right coalition – 2020 Liguria Region, *Forza Italia* – 2020	Residence or main work activity of at least five consecutive years in the Local Council area
4	Public Housing Call	Municipality of Venice, independent candidate sustained by a centre-right coalition – 2022	a) Five-year residence in the Veneto Region b) Higher ranking score for residents in Venice for at least 15 years (continuously)
5	Public Housing Call	Province of Trento, *Südtiroler Volkspartei* (South-Tyrolean People's party) – 2020	Residence of at least 10 years
6	Health System registration	Local health authority, province of Benevento – 2021	Registration with the NHS not matched with the pertinent stay permit
7a	National Health System registration Notes: Two different lawsuits (7a and 7b) against two different criteria	Veneto Region, *Lega Nord* – 2019	a) Unemployment as barrier for the access of non-EU people b) Non-application of the State-Regions agreement for the access of non-EU relatives of Italian citizens
7b	National Health System registration	Veneto Region, *Lega Nord* – 2020	Non application of the State-Regions agreement for the access of non-EU relatives of Italian citizens
8	Funds for non-self-sufficient people in condition of need	Liguria Region, *Forza Italia* – 2021	Measure attributed only to holders of a long-term stay permit
9	Bonus for caregivers (one-off amount for families with members affected by disability) also called «disability bonus»	Lombardy region, *Lega Nord* – 2018	Five years of residence in the Region
10	Sport Bonus, called 'dote sport' (economic bonus for the access to sportive courses)	Lombardy region, *Lega Nord* – 2015	Children can access only if parents have five-years of residence in the region
11	Bonus for children, called 'Bonus Bebè' (800 euros for the second child, 1000 for the third)	Lombardy region, *Lega Nord* – 2015	The bonus is applicable only if both parents have five continuous years of residence in the region
12	Supports for school bus transport and school meals service	Municipality of Montorio al Vomano, *Forza Italia* – 2022	Restricted to Italian or EU citizens (at least one of the two parents must have the Italian or EU citizenship)
13	Covid-19 Food vouchers	Municipality of L'Aquila, *Fratelli d'Italia* – 2020	Long-term stay permit requirement
14	Covid-19 Social vouchers, for buying basic necessities	Abruzzo Region, *Fratelli d'Italia* – 2020	Long-term permit or two-years stay permit combined with regular work activity for the access
15	Covid-19 Food vouchers	Municipality of Ferrara, *Lega Nord* – 2020	Long-term stay permit requirement

restrictions as well as what kinds of motivations judges provided when sanctioned administrations.

Documentary data also include official press releases (15) and articles (20). These were considered with the aim of understanding the type of clamour or resonance these cases have received. Their selection has been guided by lawyers and activists. Given their role and having worked extensively for the organisation of disputes, they have also developed a specific knowledge, in terms of key informants, of local contexts. In this sense, they became «object» of public interest, and, for the same motive, they were able to explain when and how their action was «mediatised» as well as when they were called for interviews with newspapers or media. Hence, we collected this material with the idea of discussing the «representation of anti-discrimination».

In addition, 20 semi-structured interviews were conducted with lawyers and activists who initiated or coordinated the 15 anti-discriminatory actions that compose our sample, with the intent to explore the reasons they associate to their «mission» and how they have organised the lawsuit, including all the problems and dilemmas they met.

The empirical material will now be discussed by adopting a comparative lens that serve to identify the main patterns behind the adoption of exclusionary measures.

6. Disputes on criteria: three modes of discriminating at subnational level

Pro bono lawyers were key actors for organising appeals against administrations. As a result of their commitment, various courts have been called to evaluate on the discriminatory profile of the barriers they identified. Thanks to the comparative analysis of the documents we collected, we can analyse three main types of criteria adopted by administrations which, moreover, are often used in combination to complicate and restrict the possibility of access.

(1) The first is the status of long-term resident. Its presence stands out in light of both European directives and constitutional court decisions that, in the last decade, have provided precise guidelines on its sense for welfare measures. In all the verdicts on the cogency of this criterion, it was indeed evaluated as a form of «direct discrimination» given that *de facto* excludes specific segments of the migrant population – e.g. the non-EU citizens who have short-term permits that allows a working activity – who, on the contrary (and in line with European directives), are formally entitled to access to benefits considered for this study likewise to EU or Italian residents.

Being so distinct, this barrier is «easily identifiable» and contestable by lawyers, who can in fact refer to supranational directives or constitutional court verdicts for the defence of the appellants. Thus, although the jurisprudence is clear, this barrier is instead (and still) adopted when welfare measures are administered at subnational level. In this sense, its use does not represent an «error» but responds to the intent to reserve benefits against specific segments of migrant population. Administrations can also rely on a series of factors, such as the political weakness of migrant minorities and their juridical unpreparedness, the long times that justice eventually needs (in case of litigations) compared to the «times of politics» as well as on the consensus that these decisions produce beyond their eventual rejection: all themes we elaborate in the next sections.

(2) A second and more controversial issue concerns instead the requirement – present in cases N. 1,3a/3b,4,5 related to public housing calls, or in case n.9 on social bonus for disability – of a *long-term residence* (generally from five to ten years) in a *specific place* (which can be a region, province, or municipality). In synthesis, this represents the convergence of criteria of «time and space». Although this kind of barrier does not directly refer to the foreign population but to all the possible applicants, it however ends up excluding migrants to a greater extent, especially if we consider their higher mobility on the territory compared to the Italian population.[2] In these terms, the use of this criterion can be considered as a «surrogate» of the request for a long stay permit. More precisely, it has been introduced to circumvent a direct and clearly identifiable form of discrimination and, in this sense, takes on the profile of an «indirect discrimination». Courts called upon to decide on its rationale have, indeed, analysed this requirement not only in relation with the «migration law» but by disputing on «the concept of need», leading to important jurisprudential implications.

By examining verdicts, its introduction was motivated by public institutions through a logic we synthetise of «reciprocity»: the possibility to request a welfare benefit can be admitted only if the applicant is part of the community and, therefore, he/she has also taken part of it in terms of previous «costs and contributions». The sentences, including those of the constitutional court, have invalidated this logic by stating that establishes a «commutative purpose» between taxes and services and, therefore, leads to limiting the access to welfare, especially for those who have the most need. Furthermore, the same sentences have prescribed that any criteria used for welfare access must be strictly linked to the «rationale» of a benefit and not to aspects considered irrelevant. Specifically, emphasising «a long residence in a specific space» does not respond to the main purpose of a welfare measure – i.e. addressing a need – but only to the intent to favour those who have settled in the area for a longer period. In synthesis, the analysis of sentences shows that rewarding a «sedentary poverty» over a «mobile poverty» is not a convincing argument: people in need tend to move in search of opportunities, whereas people who already have some certainties (such as adequate housing, or family networks) tend to be less mobile and, consequently, cannot be the unique recipient of a service planned to respond to a social need.

(3) A third criterion – in chronological order the newest – concerns instead the possession of assets, which follows what we call «the logic of suspicion» towards those who are supposed to take advantage from (our) welfare. Precisely, some administrations (see the case N.1 and 3) have introduced the requirement of «planetary non-ownership», namely the applicant does not have «any property anywhere in the world». As commented by the constitutional court, this is both a burdensome and an unreasonable constraint. On the one side, we find the practical impossibility for many migrants of obtaining bureaucratic documents from their countries of origin (e.g. the absence of the national cadastral register) certifying non-ownership of property (in all the world). On the other side, for Italian citizens only a self-declaration is required (the self-declaration is a modality admitted by Italian bureaucracies for applications), whereas foreigners are instead obliged to present official documents;

therefore, this element was sanctioned as a form discrimination among applicants for the same measure.

Hence, courts have sanctioned the introduction of all the three criteria, which can be defined as « (1) direct, (2) indirect and (3) semi-direct» discriminatory barriers. Thanks to the material collected, we now discuss their sociopolitical meanings.

7. The politics of criteria: how welfare chauvinism against migrants works (and persists) at subnational level

Juridical disputes and related verdicts can be also seen as a «metatext» whose analysis allows to grasp the «political reasons» behind the use of bureaucratic criteria. Their scope, indeed, bypasses the question of an eventual legal soundness and, instead, pertains to an analytical level that involves a symbolic dimension rich of political meanings, namely criteria serve to draw an «ethnic border» for the eligibility of welfare. In this sense, «law and politics» are two different domains of analysis, an aspect that deserves to be considered for a more comprehensive examination of the logics behind institutional discrimination.

The asymmetry between these two spheres emerges by considering the interval that passes between the (a) adoption of criteria, (b) the organising of an appeal, (c) the verdict on their discriminatory profile and (d) the effective removal. This is a cycle that usually takes a long period in Italy, and this time paradoxically puts the sense of juridical victories into the background, while the political meanings behind the adoption of exclusion criteria, instead, remain in the foreground.

Precisely, bans are «rhetorical tools» that administrations use for conveying a specific message, that is the (tentative of) protection of welfare against migrants' access. In this sense, even if territorial institutions are generally conscious that are passible of (future) sanctions by courts when introduce barriers, they however decide to implement these as represent a form of efficacious communication on a dividing issue in public opinion: welfare rights for migrants.

The comparative analysis reveals, indeed, a «nationalist vision» of welfare provision, in line with the diffused motto «Italians first». We found a transversal aim that is to (re)produce an «ethnic demarcation line» between possible beneficiaries, with the intent to reserve services for people who belong to the Italian community. Eventual juridical sanction count for little, what instead means is to reassure Italians about their precedence and «right of first refusal» for welfare benefits. The lawyer who worked for the case N. 8 comments the «sociology» behind these discriminatory requirements:

> *For me, the sentences I've been involved in over recent years tell me one thing, and it is that the institutional discrimination that judges of the courts repeatedly sanction is nothing more than the practical reproduction of a shared and socially accepted prejudice, so much so that it seems to be legitimate, and its presence is almost taken for granted. This clearly emerges in the arguments that institutions use in courts: it is the idea that foreigners, even if they are here, are not part of the community, and if you don't belong to the community you cannot access to its resources. (Lawyer, case N. 8)*

This idea becomes even more clear and understandable at subnational level, where specific welfare assets, like housing or social assistance services, are ruled and provided.

Therefore, as commented by the lawyer in the interview, territorial governments «enter in tune» with their public opinion and use the «right of ethnic precedence» as rhetorical mean of political consensus.

The success of this message has also emerged from the analysis of the *media echo*. We observed scarce attention to the theme and, moreover, final victories receive even shorter mediatic consideration, a fact that has interrogated the expectations of lawyers who won the appeals:

> *I've never understood, or maybe I have, why a newspaper never published a good headline such as this 'Region condemned for discrimination.' A good headline like this would strike readers, cause a sensation, I mean, the Region condemned because it discriminated! It should attract attention, stir the attention of other institutions or associations. Yet … None of the kind, it makes you think a lot: why is discrimination against foreigners accepted? (Lawyer, case n. 7a and 7b)*

The question he poses has emblematically emerged in the case n.1. The activist who organised all the materials for a juridical dispute provides a significant explanation of how his action was received and politically re-signified in local public opinion:

> *I was very sad, after a while I realised that the question was not attracting. It didn't help to explain to people and local media that discrimination affects everyone, not just migrants. Do you know the narrative that resulted locally? Everyone was angry «because migrants have blocked the money» [After the appeal the judge has stopped the provision for evaluating its discriminatory profile]. This was the main headline after the first verdict: «migrants have blocked our money», but we tried to say: discrimination affects everyone! Can you imagine the reaction: fighting for migrants means taking away houses from Italians, blocking money for Italians … In short, this result was the opposite we though for our advocacy*

His activism was transformed in «a war against Italians and in defence of migrants». Even if the region was condemned, this result was received as an injustice for the mainstream part of the local public opinion. Analysing the case, we also observed that the administration was more advantaged by the media echo that was created through the introduction of the ban rather than being disadvantaged by the sentence received for its discriminatory profile. In fact, in the public eye, the region has demonstrated its commitment to defend «our welfare from migrants' abuse».

The rootedness of discrimination has also emerged by considering what we term «obstinate resistance». Even if administrations were sanctioned, they often continued to maintain the same barriers. This is the case of Veneto region (cases n.7a and n.7b); its government did not remove the ban and, moreover, has also repeatedly contested the sentence taken by the court in various institutional meetings between state and regions. We found the same approach for case N. 5 when the local administration publicly contested the verdict. But, the paradigmatic case, in terms of institutional resistance, is that of the use of the criterion of prolonged residence in public housing calls. Even if the constitutional court, after years, has definitively established that this is not a valid requirement, only one regional administration in Italy (i.e. Tuscany) has adapted its legislation to this sentence.

This obstinacy moves from the perception of being in line with the popular sentiment, a fact that for subnational governments is more salient than the juridical pertinence of criteria. They demonstrate to be engaged in defending local communities from

«wrong laws», presenting themselves as «defenders» of welfare against «external beneficiaries». In synthesis, juridical «sanctions» we have seen were, paradoxically, transformed into political «successes».

8. Behind the advocacy of lawyers: fighting in solitude

Pro bono lawyers perform a crucial role of «sentinels» for monitoring and opposing institutional discrimination, taking an active part in the battleground of immigration policies. Beyond their juridical knowhow, their professional stories have been another focus. In describing their experiences as experts involved in various legal controversies, lawyers have also mentioned a feeling of discouragement and perplexity. This consideration is associated with that of a widespread lack of awareness on the issue of institutional discrimination, which, in their opinion, is underestimated both on the side of the migrant minorities and civil society associations. For this reason, lawyers have repeatedly declared a sentiment of «solitude», expressed in the sense to «be left alone» despite their commitment. This image collected during the interviews represented, in some ways, an unexpected implication of advocacy, reason why we decided to elaborate this theme with them.

A problem that has emerged concerns the fact that juridical controversies, usually, move from their personal initiative or, to a lesser extent, from an external signalling (generally from trade unions). Proceedings they guide are not the outcome of a «class action» organised by migrant associations or by networks of civil society, but these are an activity they *de facto* purse on their own (and pro bono). In synthesis, appeals we examined were not born «from inside», namely from those who are directly interested by bans, but were instead organised «from outside», thanks to the activism of a small group of experts. In this sense, lawyers «perform» a role which includes an active monitoring of all the acts taken by local public administrations and, successively, they go (and spend time) in search of people – interested by bans and available to collaborate – who can provide the concrete mandate for a juridical cause. A lawyer introduces some interesting points of discussion on this theme:

> *This work for me is not a question of money or for a better position (in terms of employment), it comes from me, but it is not easy, I think that the knowledge of the concrete situation of discrimination is practically inexistent in Lombardy and Italy, and this is the main weak point for our work*
>
> *(I) Can you develop it?*
>
> *On the one hand, the first question is: how can migrants know about this specific field? Certain topics are truly complicated. For example: just think of health law: this is a highly specialized juridical area, and it is a very complex subject that few people know, let alone immigrants. On the other hand, I can mention voluntary associations. Although their precious presence, some are unaware of the ways in which institutional discrimination can come, and others do not expose themselves to legal battles that might compromise their activities on a local scale (Lawyer case N. 8).*

The lawyer presents the fact that the functioning of law in relation to specific welfare areas represents an important barrier for migrants and, as consequence, «recognizing and realising» an unequal treatment requires certain knowledge and competence. This aspect

has also been argued in interviews as «the problem of perception». The lawyer who followed the case N.7a summarizes this theme:

> *I can say that the subject of perception is slippery, but it is a subject we must discuss, because there are many cases I followed where victims do not perceive they are discriminated … If you don't know the subject, you think that a rule, even if it is a wrong rule, is however a rule. (Lawyer case N. 7a)*

Along with the question of perception, lawyers have also explained that a critical point is also to organise a dispute in concrete terms. More precisely, when they discover a case of institutional discrimination, the real point is to find subjects who give the mandate for a lawsuit. Receiving it is often complicated as well as organising a legal controversy by collecting all the documents is often a difficult practical activity. The following consideration provide details on both points:

> *Finding people is not easy. Imagine that you find someone who tell you: ok! Please do it! But then you have also to assemble all the documents, explore their story … moreover the lawsuit is complicated, recourse after recourse the battle prolongs, it takes some years, and often people disappear or loose the interest for it. Additionally, they often change their life, they move in another place, they can change residence or address, or they can return to their countries, and so on … It is quite complicated for us (Lawyer case N. 6)*

Even from the side of CSOs some barriers have emerged. While problems can derive from a lack of knowledge on a specific matter for which is required well-trained personnel, the fact that part of civil society associations work for public projects and often receive grants through public calls is often a critical limit. This is a reason why often associations prefer to avoid a direct controversy against administrations in tribunal:

> *I remember when I found this discriminatory criterion, and I started looking for an association in the region for receiving a mandate. I can assure that it was very difficult, some associations did not reply to me, others initially say ok but then nothing and disappeared. I tried to explain to them that I'm defending a right for all. Ok, the bonus excludes migrants, but this form of discrimination regards a theme at centre of your mission … At the end I found only one association among dozens of them. Sometimes this is annoying for our work, sometimes I think: is what I'm doing futile? (Lawyer case N. 8)*

As we can see, lawyers encounter a series of obstacles. These can be classified by our study in three main categories:

1. *Perceptive*, as people interested by bans generally don't realise to be discriminated.
2. *Practical*, as receiving and completing a mandate is often complicated.
3. *Political*, as exposing migrants and/or associations to a lawsuit against public institutions is a challenge.

9. Conclusions: problems as premises for the future

This article has discussed the issue of institutional discrimination, focusing on the area of migrant minorities' welfare rights. We now summarize results, linking our findings to the arguments we proposed.

The subnational dimension of welfare emerges as a crucial level where administrations can introduce restrictions. We identified three forms, termed as « (1) direct, (2) indirect and

(3) semi-direct discriminatory barriers». We recall that the (2) indirect and (3) semi-direct barriers deserve a peculiar attention. Given the fact that subnational institutions must confront with anti-discriminatory norms, they work «around and behind» these. Administrative criteria, such as demonstrating a prolonged residence in a specific area and the possess of a land-registry document, have indeed become recurrent «escamotages» they use with the intent to prevent access. In this sense, by adopting «apparently neutral procedures» they try to circumvent anti-discrimination principles at subnational level.

We then discussed the reasons behind the introduction of barriers. The comparative analysis reveals a «nationalist vision» of welfare provision. We want to recall the fact that regional and city administrations have incorporated this attitude, using the design of specific welfare assets as an instrument of political consensus. Here, we highlight another finding, namely the «obstinate resistance» of administrations: even if they were sanctioned, some continued to maintain barriers. The fact that verdicts can find obstructions deserves a wider attention for the balancing of powers between courts and political institutions; while this issue emerges in Italy also for the lack (and inadequacy) of an independent national anti-discrimination agency, this is an aspect to consider in front of the rooting of populism in subnational governments.

Our analysis, on the other side, focused on juridical advocacy, examined as a specific form of action in the repertoire of CSOs. Along with their role for the provision and intermediation of social protection, we have seen that they can also operate to change the design of welfare and combat against institutional discrimination, achieving results that reinforce the jurisprudence in defence of migrant minorities' rights. At the same time, in our analysis we have identified some problems. In the opinion of lawyers, the presence of discrimination is generally underestimated both on the side of the migrant populations and voluntary associations who support them. Moreover, they have often expressed solitude and perplexity since they encounter a series of practical obstacles that deserve a wider attention for the future; in synthesis, the analysis has showed some «unexpected allies» of welfare exclusion.

Lights and shadows have thus emerged from our study. These are also in line with the idea of battleground. The introduction of criteria of exclusion, like a polarity, is hindered by juridical sentences of inclusion; these forces collide, producing a field of continuous tension to define who is (il)legitimized to receive solidarity. This is also the motive why the contrast of institutional discrimination requires not only an adequate legal apparatus, but a diffused and well-equipped «antidiscrimination ethos» (Amiraux and Guiraudon 2010, 1703), to prevent that lawyers remain the only sentinels against the exclusion of migrant minorities from welfare.

Notes

1. The term indicates a group numerically inferior to the rest of the population who, in reason of the experience of migration and its implications, especially in terms of juridical statutes, can be exposed to different treatment, and forms of discrimination, for the access to services and resources which are instead available to rest of population. We will also use the term 'migrants' to avoid redundancies in the text.
2. See the report provided by ISTAT released on February 9, 2023: https://www.istat.it/it/archivio/280743. Data show that the internal mobility rate of foreigners is more than double that of Italians: more than 50 foreigners move per 1000 residents, against 22 Italians per 1,000.

3. In case of coalitions, we indicate the leading party. As regards the use of the original names: *Lega Nord* is the Italian term for 'North League', *Fratelli d'Italia* for 'Brothers of Italy' and *Forza Italia* for 'Let's Go Italy'.

Acknowledgment

We would like to thank all the lawyers who participated in the research and the anti-discrimination service organized by ASGI in the persons of Alberto Guariso, Manuela Spadaro, Paola Fierro and Serena Ariello. Their support and suggestions were of considerable value in the preparation of this article

Disclosure statement

No potential conflict of interest was reported by the author(s).

References

Afscharian, D., C. Bruzelius, and M. Seeleib-Kaiser. 2024. "Agency, Institutions, and Welfare Chauvinism: Tracing the Exclusion of European Union Migrant Citizens from Social Assistance in Germany." *Journal of European Social Policy* 34 (2): 203–219. https://doi.org/10.1177/09589287241229326

Ambrosini, M. 2013. "'We are Against a Multi-Ethnic Society': Policies of Exclusion at the Urban Level in Italy." *Ethnic and Racial Studies* 36 (1): 136–155. http://doi.org/10.1080/01419870.2011.644312.

Ambrosini, M. 2022. "Humanitarian Help and Refugees: De-Bordering Solidarity as a Contentious Issue." *Journal of Immigrant & Refugee Studies*: 1–14 . https://doi.org/10.1080/15562948.2022.2059823.

Ambrosini, M, and S. D. Molli. 2023. "National Identity, Cultural Diversity, and Immigration." In *Encyclopedia of New Populism and Responses in the 21st Century*, edited by J. Chacko Chennattuserry, M. Deshpande, and P. Hong, 1–3. Singapore: Springer. https://doi.org/10.1007/978-981-16-9859-0_248-1.

Amiraux, V., and V. Guiraudon. 2010. "Discrimination in Comparative Perspective: Policies and Practices." *American Behavioral Scientist* 53 (12): 1691–1714. https://doi.org/10.1177/0002764210368092

Anderson, B. 2017. "Towards a new Politics of Migration?." *Ethnic and Racial Studies* 40 (9): 1527–1537. https://doi.org/10.1080/01419870.2017.1300297

Andreotti, A., and E. Mingione. 2016. "Local Welfare Systems in Europe and the Economic Crisis." *European Urban and Regional Studies* 23 (3): 252–266. https://doi.org/10.1177/0969776414557191

Baldi, G., and S. W. Goodman. 2015. "Migrants Into Members: Social Rights, Civic Requirements, and Citizenship in Western Europe." *West European Politics* 38 (6): 1152–1173. https://doi.org/10.1080/01402382.2015.1041237

Bazurli, R., and F. Campomori. 2022. "Further to the Bottom of the Hierarchy: The Stratification of Forced Migrants' Welfare Rights Amid the COVID-19 Pandemic in Italy." *Citizenship Studies* 26 (8): 1091–1116. https://doi.org/10.1080/13621025.2022.2131073

Bazurli, R., and Els de Graauw. 2023. "Explaining Variation in City Sanctuary Policies: Insights from American and European Cities." *Journal of Ethnic and Migration Studies* 49 (14): 3649–3670. https://doi.org/10.1080/1369183X.2023.2198811

Belavusau, U., and K. Henrard. 2019. "A Bird's Eye View on EU Anti-Discrimination Law: The Impact of the 2000 Equality Directives." *German Law Journal* 20 (05): 614–636. https://doi.org/10.1017/glj.2019.53

Bendixsen, S., and L. Näre. 2024. "Welfare State Bordering as a Form of Mobility and Migration Control." *Journal of Ethnic and Migration Studies* 50 (11): 2689–2706. https://doi.org/10.1080/1369183X.2023.2298540.

Bifulco, L. 2016. "Citizenship and Governance at a Time of Territorialization: The Italian Local Welfare Between Innovation and Fragmentation." *European Urban and Regional Studies* 23 (4): 628–644. https://doi.org/10.1177/0969776414531969

Bolderson, H. 2011. "The Ethics of Welfare Provision for Migrants: A Case for Equal Treatment and the Repositioning of Welfare." *Journal of Social Policy* 40 (2): 219–235. https://doi.org/10.1017/S0047279410000899

Campomori, F., and T. Caponio. 2017. "Immigrant Integration Policymaking in Italy: Regional Policies in a Multi-Level Governance Perspective." *International Review of Administrative Sciences* 83 (2): 303–321. https://doi.org/10.1177/0020852315611238

Careja, R., and E. Harris. 2022. "Thirty Years of Welfare Chauvinism Research: Findings and Challenges." *Journal of European Social Policy* 32 (2): 212–224. https://doi.org/10.1177/09589287211068796

Chiaromonte, W. 2020. "Migrants' Access to Social Protection in Italy." In *Migration and Social Protection in Europe and Beyond (Volume 1), IMISCOE Research Series*, edited by J. M. Lafleur and D. Vintila, 241–256. Cham: Springer.

Chiaromonte, W., and A. Guariso. 2019. "Discriminazioni e Welfare." In *La Tutela Antidiscriminatoria. Fonti, Strumenti, Interpreti*, edited by M. Barbera and A. Guariso, 329–404. Torino: G. Giappichelli Editore.

Cunningham, J., and R. Light. 2016. "Institutional Discrimination." In *The Blackwell Encyclopedia of Sociology*, edited by G. Ritzer, 1–3. Malden, MA: Blackwell Publishing. https://onlinelibrary.wiley.com/action/showCitFormats?doi=10.1002%2F9781405165518.wbeos0767.

Dazey, M. 2023. "Polite Responses to Stigmatization: Ethics of Exemplarity among French Muslim Elites." *Ethnic and Racial Studies* 46 (4): 686–706. https://doi.org/10.1080/01419870.2021.1998569

Della Porta, D., and E. Steinhilper. 2021. *Contentious Migrant Solidarity: Shrinking Spaces and Civil Society Contestation*. London: Routledge.

Dimitriadis, I., and M. Ambrosini. 2023. "De-Bordering Solidarity: Civil Society Actors Assisting Refused Asylum Seekers in Small Cities." *Journal of Refugee Studies* 36 (3): 430–448. http://dx.doi.org/10.1093/jrs/feac048.

Dimitriadis, I., M. H. J. Hajer, E. Fontanari, and M. Ambrosini. 2021. "Local "Battlegrounds". Relocating Multi-Level and Multi-Actor Governance of Immigration." *Revue Européenne des Migrations Internationales* 37 (1–2): 251–275. https://doi.org/10.4000/remi.18552.

Fauser, M. 2021. "The Emergence of Urban Border Spaces in Europe." In *Migrations and Border Processes: Practices and Politics of Belonging and Exclusion in Europe from the Nineteenth to the Twenty-First Century* (1st ed.), edited by M. Fauser, A. Friedrichs, and L. Harders, 120–137. London: Routledge.

Ferrera, M. 2005. *The Boundaries of Welfare: European Integration and the new Spatial Politics of Social Protection*. Oxford: Oxford University Press.

Galli, C. 2020. "Humanitarian Capital: How Lawyers Help Immigrants use Suffering to Claim Membership in the Nation-State." *Journal of Ethnic and Migration Studies* 46 (11): 2181–2198. https://doi.org/10.1080/1369183X.2019.1582325

Goldstein, S. B. 2013. "Institutional Discrimination." In *The Encyclopedia of Cross-Cultural Psychology*, edited by K. D. Keith. Chichester: Wiley-Blackwell. https://doi.org/10.1002/9781118339893.wbeccp295.

Guariso, A. 2021. Stranieri e accesso alle prestazioni sociali e ai servizi. Research Report for ASGI. https://www.asgi.it/wp-content/uploads/2021/04/Asgi-PrestazioniSociali_1_2021_Digital-22-aprile-21.pdf.

Guiraudon, V. 2009. "Equality in the Making: Implementing European non-Discrimination law." *Citizenship Studies* 13 (5): 527–549. https://doi.org/10.1080/13621020903174696

Jessoula, M., M. Natili, and E. Pavolini. 2022. "Exclusionary Welfarism: A new Programmatic Agenda for Populist Right-Wing Parties?" *Contemporary Politics* 28 (4): 447–468. https://doi.org/10.1080/13569775.2021.2011644

Joppke, C. 2010. *Citizenship and Immigration*. Vol. 2. Cambridge: Polity Press.
Koning, E. A. 2022. *The Exclusion of Immigrants from Welfare Programs: Cross-National Analysis and Contemporary Developments*. Toronto: University of Toronto Press.
Kymlicka, W., and K. Banting. 2006. "Immigration, Multiculturalism, and the Welfare State." *Ethics & International Affairs* 20 (3): 281–304. https://doi.org/10.1111/j.1747-7093.2006.00027.x
León, M., E. Pavolini, and A. M. Guillén. 2015. "Welfare Rescaling in Italy and Spain: Political Strategies to Deal with Harsh Austerity." *European Journal of Social Security* 17 (2): 182–201. https://doi.org/10.1177/138826271501700203
Łukasiewicz, K., T. Oren, and S. Tripathi. 2023. "Local Welfare System Response to Refugees: Between Innovations, Efficiency, and Creating Unequal Opportunities." *Journal of Ethnic and Migration Studies* 49 (1): 350–370. https://doi.org/10.1080/1369183X.2021.1905506
Magazzini, T. 2018. "When Regional Inclusion Outperforms the State. The Case of the Spanish Basque Country." In *Newcomer Integration in Europe: Best Practices and Innovations since 2015*, edited by A. Lāce, 143–152. Brussels: Foundation for European Progressive Studies (FEPS).
Magazzini, T. 2020. "Integration as an Essentially Contested Concept: Questioning the Assumptions Behind the National Roma Integration Strategies of Italy and Spain." In *Politics of (Dis)Integration*. IMISCOE Research Series, edited by S. Hinger and R. Schweitzer, 41–59. Cham: Springer. https://doi.org/10.1007/978-3-030-25089-8_3.
Magazzini, T., and A. Desille. 2023. "In Solidarity: Ma(r)king and Rescaling Solidarity Boundaries Towards Migrants." *Partecipazione e Conflitto* 16 (3): 402–413.
Marconi, G., and A. Cancellieri. 2022. *Immigrazione e welfare locale nelle città metropolitane: Bari-Milano-Napoli-Torino-Venezia*. Milano: FrancoAngeli.
Mau, S. 2004. *The Moral Economy of Welfare States: Britain and Germany Compared*. London: Routledge.
Mau, S., and C. Burkhardt. 2009. "Migration and Welfare State Solidarity in Western Europe." *Journal of European Social Policy* 19 (3): 213–229. https://doi.org/10.1177/0958928709104737
Molli, S. D., and J. Eade. 2024. "Resisting, Reacting and Reinventing: Exploring the Role of Minority Religious Solidarities in Milan and London During the Pandemic." In *Migrants'(Im) mobilities in Three European Urban Contexts*, edited by M. Caselli, J. Dürrschmidt, and J. Eade, 139–158. Cham: Palgrave Macmillan. https://doi.org/10.1007/978-3-031-53773-8_6.
Paxton, F. 2023. *Restrained Radicals: Populist Radical Right Parties in Local Government*. Cambridge: Cambridge University Press.
Peace, T., and F. Paxton. 2024. "Populist Pragmatism: The Nationalisation of Local Government Strategies by the Rassemblement National." *Acta Politica* 59 (2): 264–288. https://doi.org/10.1057/s41269-023-00292-9
Pincus, F. L. 1996. "Discrimination Comes in Many Forms: Individual, Institutional, and Structural." *American Behavioral Scientist* 40 (2): 186–194. https://doi.org/10.1177/0002764296040002009
Semprebon, M. 2021. "Towards a Parallel Exceptional Welfare System: The Scaling Down and Out of Forced Migrants' Reception in Italy." *Urban Geography* 42 (7): 915–936. https://doi.org/10.1080/02723638.2021.1890424
Solomos, J. 2020. *Routledge International Handbook of Contemporary Racisms*. Abindgon: Routledge.
Spencer, S. 2020. "Cities Breaking the Mould? Municipal Inclusion of Irregular Migrants in Europe." In *Migrants with Irregular Status in Europe: Evolving Conceptual and Policy Challenges*. IMISCOE Research Series, edited by S. Spencer and A. Triandafyllidou, 187–205. Cham: Springer.https://doi.org/10.1007/978-3-030-34324-8_10.
Talpin, J. 2023. "Why French Racial Minorities do not Mobilize More Often. Disempowerment, Tactical Repertoires and Soft Repression of Antiracist Movements." *Ethnic and Racial Studies* 46 (4): 749–770. https://doi.org/10.1080/01419870.2022.2034911

Terlouw, A., and K. van der Pas. 2024. "The Battle Against Ethnic Discrimination: Realizing the (Utopian) Promise of non-Discrimination Law." *Ethnic and Racial Studies* 47 (9): 1900–1919. https://doi.org/10.1080/01419870.2024.2328345.

Van Breugel, I. 2020. "Towards a Typology of Local Migration Diversity Policies." *Comparative Migration Studies* 8 (1): 23. https://doi.org/10.1186/s40878-020-00179-0

Vintila, D., and J. M. Lafleur. 2020. "Migration and Access to Welfare Benefits in the EU: The Interplay Between Residence and Nationality." In *Migration and Social Protection in Europe and Beyond (Volume 1). Comparing Access to Welfare Entitlements*. IMISCOE Research Series, edited by J. M. Lafleur and D. Vintila, 1–32. Cham: Springer. https://doi.org/10.1007/978-3-030-51241-5_1.

Voivozeanu, A., and J.-M. Lafleur. 2023. "Welfare Brokers and European Union Migrants' Access to Social Protection." *The British Journal of Sociology* 74 (4): 717–732. https://doi.org/10.1111/1468-4446.13021

Zapata-Barrero, R., T. Caponio, and P. Scholten. 2017. "Theorizing the 'Local Turn' in a Multi-Level Governance Framework of Analysis: A Case Study in Immigrant Policies." *International Review of Administrative Sciences* 83 (2): 241–246. https://doi.org/10.1177/0020852316688426

Zentai, V. 2020. "Conclusions: Perspectives and Puzzles in Researching Politics of (Dis)Integration." In *Politics of (Dis)Integration. IMISCOE Research Series*, edited by S. Hinger and R. Schweitzer, 201–217Springer Nature.