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## RESEARCH ARTICLE

# Politicising the Amnesty: Struggles for Migrants' Legality during a Pandemic

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### ABSTRACT:

The 2020 regularisation for irregular migrant workers in Italy relied extensively on civil society actors' (CSAs) involvement to provide information, legal support and handle the bureaucratic procedures of the programme. Based on qualitative research carried out with CSAs, migrants and employers involved in the programme, the article describes the heterogeneity of the CSAs involved as well as the different politicisation routes they followed. We show that, through a series of activities – information provision, preparing and sending applications, institutional lobbying and case advocacy, civil disobedience and protest – CSAs have attempted to repoliticise the amnesty through four different avenues: solidarity, debordering, empowering and contention.

### KEYWORDS:

Civil Society, Immigration, Legal Support, Politicisation

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## 1. Introduction

The (local) governance of migration increasingly involves a variety of non-public actors playing a key role as service providers to (irregular) migrants. While the process in which issues and responsibilities move away from the government towards civil society and private spheres has been interpreted by some scholars as a form of depoliticisation, this article explores ways in which civil society actors (CSAs) can politicise the migration field through the provision of legal support.

This article takes the regularisation of irregular migrant workers in Italy, announced in May 2020, as a case study to explore this issue. The study is based on qualitative research carried out with CSAs, migrants and employers involved in different ways in the regularisation programme. The article describes the various support strategies employed before, during and after the regularisation programme had taken place. These include the provision of information and bureaucratic assistance, institutional and case-oriented advocacy and forms of protest and civil disobedience. By looking at these different forms of engagement, the article asks whether, how and why providing legal support can be connected to and reveal forms of (non)conventional political mobilisation, aiming to keep - or make - an increasingly depoliticised field political. Moreover, by elaborating on the heterogeneity among CSAs in confronting what we call the ‘policy implementation dilemma’, this article aims to show how different CSAs respond differently to depoliticisation tendencies, as the article identifies both opportunities and dilemmas that can arise from the collaboration between CSAs and governmental actors. It shows how, in some instances, cooperation can serve to challenge the exclusionary outcomes entailed by immigration policies and how it can empower the position of migrants vis-à-vis powerful (governmental and private) actors.

## 2. CSAs and service provision: de- and repoliticising the immigration field

CSAs can broadly be defined as those formal and informal (Kalogeraki 2020) non-governmental and non-market actors (Ambrosini and Van der Leun 2015) that stand between the state, the economy and the private sphere (Odmalm 2004; Putnam 1993; Simsa 2017). Civil society is wide and diversified, including professional third sector actors, churches and other religious organisations, associations and informal groups of volunteers that are organised from the bottom up, as well as radical social movements (Ambrosini 2018; Cappiali 2016; Edwards 2004; Youkhana and Sutter 2017). The role of CSAs in the immigration field is well known in the literature, which has shown that it extends to service provision, advocacy, civil disobedience and protest (Garkisch et al. 2017).

For this paper, we call CSAs professional when they have (paid) employees who can rely on resources (e.g. financial funds, spaces to operate and expertise) that do not primarily originate from the people they represent. In this study, professional organisations include the so-called *patronati*<sup>1</sup> (which are often run by trade unions). They sometimes overlap with associations of professionals, such as the Italian association of Immigration Lawyers (ASGI). Grassroots organisations, by contrast, are bottom-up organisations that do not have employees but are made up of volunteers. They tend to have more horizontal relationships with the people they represent. Civil society organisations also differ in the degree to which they are institutionalised. Borrowing

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<sup>1</sup> A so-called *patronato* is a body stemming from a workers’ or employers’ association that is recognised by the Ministry of Labour and aims to carry out free of charge bureaucratic processes regarding social security and pensions. Typically, *patronati* carry out processes concerning all types of benefits (including disability and unemployment benefits) and pensions, but they also provide assistance to non-EU workers applying for residence permits. Unlike a trade union, which is financed by the registration fees of the workers, a *patronato* carries out the processes free of charge because it is financed by the state.

from social movement theory, we define actors as institutionalised when they largely aim to achieve their goals by engaging with governmental actors. Institutionalised actors work to reach their goals from within institutions, but they can also be seen to modify their goals in order to make them attainable via this route (Suh 2011).

CSAs play an especially critical role in serving the needs of irregular migrants. As the latter face 'internal borders' (Leerkes et al. 2012), formally excluding them from enjoying several rights, they often depend on CSAs to meet their needs. The support provided by CSAs can concretely play out in different activities, including the provision of language classes (Hamann and Karakayali 2016), but also in the provision of highly specialised services such as (medical) care (Haselbacher 2019; Pries 2018) and as, we will show in this paper, legal support.

### **1.1. CSAs and (de)politicisation**

The blurring boundaries between civil society and state in the immigration field are an example of a wider process of redefining the role of civil society in the transition from welfare state to welfare mix, where CSAs have become increasingly crucial players in social provision and welfare policy (Busso and De Luigi 2019: 260). This literature is often quite pessimistic about the politicising potential deriving from the participation of non-state actors in public policy, arguing that the extent to which civil society can actually participate is limited, that their influence is often marginal or reduced to a mere formality (Citroni 2019: 494). Moini (2017) argues that, while there is some empowerment potential of non-state participation in the policy process, the effect of participation can be the opposite. As long as civil society participation leads to legitimisation and reproduction of neoliberal paradigms in public action, participation can be used as a 'government technology' to deradicalise civil society (Moini 2017: 113, 135).

If depoliticisation – following Wood and Flinders (2014), based on Hay (2007) – is conceptualised as a neoliberal strategy entailing the moving of responsibility and accountability from the government towards the private sphere, it often emerges when state and non-state actors cooperate in the execution of policy. In this vein, issues are depoliticised if they are no longer considered the state's duty but are reframed as a private matter, a task that belongs to the family, civil society or market actors. As a consequence of these processes, 'politics appears less responsible for the decisions that affect the regulation of society' (De Nardis 2017: 343). Subcontracting the execution of policies from the state to civil society is, in this respect, seen as a classic example of depoliticisation (Dijstelbloem and van der Veer 2019; Karakayali 2018; Vandevordt 2019a).

In this respect, many fear that by engaging in public welfare delivery, civil society will become increasingly 'governable' (Carmel and Harlock 2008). On the one hand, because when public services are outsourced to CSAs, the latter might lose part of their autonomy to provide services to whomever they want or in whatever way they wish. On the other hand, because organisations might become reluctant to 'bite the hand that feeds them' (Bloodgood and Tremblay-Boire 2017; Onyx et al. 2010) by publicly challenging (local or national) authorities due to their fear of losing not only government funding but also government permission to operate (Kersch and Mishtal 2016; Minkoff 2002; Purkis 2012). Even when operating on their own funds in providing services to migrants, civil society actors can cover for the 'organised non-responsibility' of public authorities (Pries 2019: 2), allowing states to 'get away' with the social consequences of inaction while avoiding a potential political backlash (Hay 2007; Sandri 2018; Wood and Flinders 2014). By covering up these consequences, CSAs depoliticise social issues by removing the possibility for contention.

The depoliticising implication of humanitarian action in the migration field has also been underlined by several studies (Cuttitta 2018; Fassin 2012; Fleischmann and Steinhilper 2017; Pallister-Wilkins 2018; Sandri

2018; Sinatti 2019; Ticktin 2011). It has been pointed out that humanitarian actors prioritise neutrality and the provision of relief in addressing the political causes of suffering; that an emphasis on human suffering reduces recipients to their basic biological needs, turning them into victims who are incapable of political speech; that humanitarian relations are inherently rooted in vertical, unequal, neo-colonial relationships between the helper and the helped; and that humanitarian arguments are increasingly used to justify and enhance restrictive migration and border policies and practices. The same concept of ‘humanitarian management’ reveals its depoliticising nature, as long as policies do not result from political choices but rather from ‘technical’ considerations and informal decision-making processes between governments and humanitarian (state and non-state) actors.

Yet, depoliticisation is not necessarily a one-way process (Jessop 2014). While politicisation refers to the extending of the frontiers of the polity, repoliticisation reintegrates depoliticised spheres into the political (Jessop 2014: 212). In other words, we can observe processes of bringing issues into the political sphere (politicisation), removing issues from it (depoliticisation) and bringing issues back into the political sphere after they have been removed (repoliticisation). Issues can be repoliticised by applying the same principle of depoliticisation in reverse: making ‘non-issues’ into issues (e.g. in the public debate), de-privatising social issues (e.g. through circuits of solidarity and self-help), advocating for growing governmental accountability on specific social needs, and so on. While depoliticisation obscures the political roots of social issues by presenting a specific policy as a ‘natural’ (or often ‘technical’) necessity to which there are no alternatives, repoliticisation reveals or revives the political by promoting antagonism, conflict, difference and choice.

## **1.2. CSAs and (re)politicisation**

The political involvement of CSAs is often described through the language of advocacy (Bado 2016). Advocacy refers to ‘public interest claims either promoting or resisting social change that, if implemented, would conflict with the social, cultural, political, or economic interests or values of other constituencies and groups’ (Andrews and Edwards 2004: 481). It can take more open and contentious forms, such as when CSAs rally for (or against) specific laws or policy reforms, release data or research reports and engage in media debates or public events on controversial issues. Advocacy can even be exercised through more cooperative ways of interaction with power holders (Craig et al. 2004) by, for instance, working in advisory groups, establishing partnerships with local authorities and accessing policy-making venues through lobbying. It can also be carried out through less visible (Fleischmann 2018) case-based approaches<sup>2</sup>, such as through the discretionary power that CSAs and volunteers can use when acting as street-level bureaucrats (Baker and Davis 2018; Campomori 2007; Humphris 2019). When providing support, CSAs can challenge through their practices state-enforced categories of deservingness – for instance, letting undocumented migrants access resources, such as health care, or addressing the needs of rejected asylum seekers (Ataç et al. 2020; Dimitriadis and Ambrosini 2022).

Social movement studies have also shown that the exchange of goods and services can in some instances turn into a form of political statement. Zamponi and Bosi (2018), for instance, write about alternative action organisations (AAOs) that carry out a range of non-conventional political actions, like organising food banks, setting up collective purchasing groups, political consumerism and providing medical services as well as free legal advice. They argue that while (the focus of) their actions might change over time, i.e. from claim-based

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<sup>2</sup> ‘Case advocacy is when the interests of a particular individual, family or organization are being represented. It is different from policy advocacy because it generally does not include changing policy’ (Kimberlin 2010: 508).

protest to a 'mobilisation of doing' (Zamponi 2018), AAOs do not lose their political position or motivation. Support actions should then be considered as instances of direct social action to the extent that they directly transform specific aspects of society according to shared political values (Zamponi and Bosi 2018: 797, 800). In this respect, a solidarity-based (or mutualistic) motivation can politicise the provision and exchange of goods. As even radical political actors are increasingly involved in service provision, the boundaries between professionalised CSAs and social movements become increasingly blurred (Della Porta 2020), leading to hybridisation between humanitarian practices and contentious politics (Della Porta and Steinhilper 2021).

### 1.3. Theorising different politicisation avenues: the case of migrants' legal support

This leads to a broader scholarly reflection around *how*, *when* and *why* we can define actions as political and, more precisely, through which avenues can (legal) service provision be de/repoliticised. Van Deth (2016), for instance, conceptualises as political all those actions or activities performed voluntarily by non-professionals as long as they are *focused on politics or government's (in)action*. Here, political actions are not limited to actions that take on a traditional political form (like a demonstration). Rather, having politics, government or a problem or community as a target (targeted definitions) for action, a political context or political motivation (circumstantial definitions) suffices for other forms of political participation (see Van Deth 2016: 12). In this respect, CSAs providing services to people in need can repoliticise social issues by denouncing state absence or state co-responsibility in creating needs – by calling attention to and accounting for a gap rather than just filling it (Sinatti 2019; Vandevooordt 2019).

Especially relevant here is the motivation underlying actions. This viewpoint adds to the account of politicisation, as 'a process in which people mark something as political', making it a *matter of shared interest* instead of individual solutions (Luhtakallio 2012; Zamponi and Bosi 2018: 800). In other words, whether service provision is political also depends on the *motivation of the actors* involved and on *how, practically, support is organised*. This understanding of politicisation considers the relevance of non-institutional politics and tackles the movement of issues from the individual to the public sphere, referring to some 'common good' (Hamidi 2006; Luhtakallio 2012). These everyday forms of politics look at whether actions express *autonomy against governing institutions and rules* or oppressive norms, or whether they stem from a 'bottom-up' conception of political legitimacy (Flinders and Wood 2018).

If depoliticising means obscuring, repoliticising means reviving the *plural and conflictual* character of politics, promoting the existence of antagonism, conflict, difference and choice (Cuttitta 2018), *fostering change* in local communities and *enabling the disempowered* to have a say in (governmental) decision-making processes (Fleischman 2018), *challenging* (governmental) *hierarchies, categories and borders* instead of reproducing them.

In this respect, even mundane tasks, such as cooking a meal, can be infused with an explicit individual political meaning and declaredly unpolitical acts can (re)politicise specific issues as long as they bear transformative effects, challenging – in more or less conflictive ways – the existing order and revealing opportunities for forging new, empowering collective spaces of contention and deliberation. The ambivalent and somehow paradoxical nature that has been observed in the literature on migrants' support actions might be attributed to the multifaceted character of (unconventional) political action so that the very same action can bear both de- and repoliticising effects, depending on the perspective taken. As we shall discuss, our analysis of the participation of CSAs in public policy in the case of the 2020 regularisation reveals four main different politicising avenues:

1. *Politicisation through solidarity* – can be observed when legal support, being removed from the individualised (market) sphere, is made accessible on a broader basis.
2. *Politicisation through debordering* – can be observed when its provision challenges the boundaries of deservingness upon which public welfare provision and categorisation rest.
3. *Politicisation through empowering* – can be observed when the way support is offered contrasts the hierarchical divisions between recipients and providers embedded in humanitarian, bureaucratised, technical and professionalised forms of policy interventions.
4. *Politicisation through contention* – can be observed when it contributes to triggering public debate, conflict and change over who should be entitled to what and on the (political) roots of the social needs at stake.

While some support actions encapsulate one or more of these meanings, others tend to clearly express only (or prevalently) some of them; as we shall discuss, all this happens in a field crossed by depoliticisation processes to which CSA themselves, to some extent, actively contribute.

### 3. Methodology

This article is based on 45 in-depth interviews with non-profit private and public actors, migrants and employers in the Lombardy region. More specifically, our respondents included 24 representatives of civil society organisations variously involved in the regularisation programme. Eleven of these organisations were professional third sector actors. The majority were engaged in delivering public services (e.g. immigration-related legal counselling and administrative support or the reception of asylum seekers) through public procurement, including legal and administrative advice offered by the *patronati*. The sample also includes ten grassroots organisations, mostly self-financed and mainly composed of volunteers and activists. We also interviewed three pro bono lawyers belonging to a major national association. We complemented these data with three representatives of municipal immigration offices, 17 interviews conducted with people (migrants and employers) who had applied to the programme, and one representative of a care worker agency. Respondents primarily lived in the, largely urbanised, metropolitan-area of Milan and Como. With a combined 28.117 applications<sup>3</sup>, this accounts for an interesting case to describe the regularisation. A limit of our sample is that our respondents were mainly employed as care and domestic workers and not in agriculture. This, however, reflects the general characteristics of applicants as observed at the national level as the large part of the applications were made in this sector.

The research was conducted in close collaboration with one of the associations in the study, as one of the authors was directly involved in the assistance provided by that association during the regularisation process. This type of involvement helped with accessing the interviewees (in particular, to irregular migrants, their employers and other organisations active in the field) but also with obtaining additional data and information that could not have been acquired with interviews. In particular, the direct management of the regularisation practices, participation in the opportunities for discussion with other activists and professionals and the observation of the dialogue occurring between the organisations and the public institutions (e.g. Questure and Prefettura) made it possible to understand in detail what were the margins and tools used for exercising forms of technical and institutional forms of advocacy that are often not easily legible and decipherable from external non-experts.

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<sup>3</sup> Updated Ministerial data are available here: <https://erostraniero.radicali.it/regolarizzazione2020/>

The interviews were held between September 2020 and January 2021. Because of Covid-19 restrictions, they were conducted remotely via video call or ordinary telephone calls, and they lasted between 25 minutes and an hour. In the analysis carried out for this paper, we focus mainly on the activities and roles of civil society organisations as intermediaries, the obstacles they faced and their forms of collaboration with each other and with public actors.

#### 4. The regularisation procedure and the role of CSAs

The government announced the regularisation procedure during the Covid-19 pandemic as an opportunity for irregular and invisible workers to 'reclaim their dignity'.<sup>4</sup> However, it actually provided the opportunity for regularisation to only a very specific group of migrants, who had to overcome various practical and bureaucratic obstacles to enjoy this opportunity (see also Bonizzoni & Hajer 2022). Moreover, only migrants who were (or who had been) employed in care work, domestic work or agriculture could be involved in the procedure.

The programme envisaged two different channels. The first (the so-called 'comma 1') targeted employers willing to regularise an already established employment relationship with an undocumented or legally precarious migrant (such as an asylum seeker) or to declare their willingness to start a new employment relationship (in the sectors mentioned above). Migrants had to provide documents proving their presence in Italy prior to the regularisation. Neither the employer nor the migrant could have been convicted of specified crimes, and employers were means-tested<sup>5</sup>. The application had to be filled in (using an online form) by the employer. For this reason, migrants often had minimal knowledge and awareness of the overall process, as all the main steps<sup>6</sup> were based upon communication between the state and the employer. Migrants could also apply themselves (under the so-called 'comma 2'). This application could be made through a paper 'kit' provided by the postal service after the migrant had paid a non-refundable fee of 130 euros. In this case, migrants had to demonstrate that they had had a residence permit in the past (that had 'expired' before 31 October 2019) and had been (formally or informally) employed in one of the above-mentioned sectors.

While the conditions set by the regularisation procedure might appear relatively clear-cut on paper, they were extremely blurry and confusing in practice. Several key points were only clarified after the application process started, and some were resolved just before the application deadline. Some requirements remained unclear even after the deadline had passed. Additionally, local public authorities (such as immigration offices and municipalities) had varying practices when they implemented the policy, which meant there were territorial differences in the types of requests made. Moreover, the bureaucratic language of the Ministry website and circulars was often difficult to understand and to access for those who had limited knowledge of the Italian language and/or limited digital competencies. The situation was not helped by the fact that both public administrations and several associations and support services were either operating virtually or had significantly reduced operations because of the Covid emergency.

The way the regularisation measure was designed had several consequences. Within the employment relationship, the worker's dependency on the employer increased, leading to various forms of exploitation and

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<sup>4</sup> In a televised speech the then minister Bellanova stated: 'we will help them to be people who can reclaim their identity, their dignity' (<https://tg24.sky.it/politica/2020/05/13/ministro-bellanova-sanatoria-migranti->).

<sup>5</sup> For private citizens, this meant a minimum annual income of 20,000 euros if single, or 27,000 if this was a family income. For corporate entities, the income had to be above 30,000 euros annually.

<sup>6</sup> The steps included the submission of the application, the requests for further documentation, the results of the application and eventual reasons for rejection, the call to the immigration office to sign the so-called *Contratto di Soggiorno* and the release of the residence permit.

abuse<sup>7</sup> from which migrant employees could not escape without losing their chance to be regularised. Moreover, the lack of clear information from the public sector paved the way for an information and regularisation ‘business’, in which private actors provided information for a price as well as other forms of exploitation and fraud by intermediaries. In this ambiguous scenario, a role appeared for CSAs. Below, we will elaborate on this by discussing a set of activities – information provision, preparing and sending applications, institutional lobbying and advocacy activities, civil disobedience and protest – leading to different (re)politicisation avenues.

## 5. Increasing (migrants’) legal awareness: repoliticising information provision

The first relevant role that CSAs played was that of providing accessible, free-of-charge and reliable information on a regularisation procedure whose provisions were vague, unclear and potentially subject to restrictive interpretations by local authorities:

My role was that of trainer [...] The national association I belong to (ASGI, n.d.a.) organised several meetings [...]

*Lawyer and spokesperson of an association of pro bono lawyers and experts*

Association X did a great job for those who needed a residence permit [...] When something like a regularisation happens, it is important to be informed to avoid scams [...] you have to find those who can give you the [correct] information on what documents to bring and where to start.

*Migrant who applied for regularisation*

The role of associations of professionals (pro bono lawyers and legal experts) was especially critical in setting a commonly shared position on the most ambiguous aspects of the procedure. These interpretations of the law were disseminated (through webinars and participation in more or less institutionalised networks at the local level) among less legally skilled grassroots organisations (Schmid et al. 2019).

In Milan, the need for repeated exchanges and forms of open confrontation on the regularisation programme led several local key actors, including professional (non-profit) organisations (such as the Italian association for immigration studies - ASGI and trade unions) and non-professional, grassroots actors (such as churches and migrant associations), to establish an informal network of immigration helpdesks.<sup>8</sup> In this network, cooperation benefited from the diversity of the members. While the more professionalised organisations possessed greater legal expertise, better access to legal venues (e.g. courts) and/or closer ties to institutional actors (e.g. immigration offices), grassroots actors played a crucial role in delivering information to the ‘target audience’. In particular, migrant associations and ‘migrant churches’ (Ambrosini et al. 2021) had a well-established relationship of trust with irregular migrants, allowing them to play an important intermediary function, not only conveying the ‘right’ information but also ‘translating’ the technical and bureaucratic language to undocumented migrants:

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<sup>7</sup> For instance, cases in which both the regularisation tax and social security contributions were paid by the migrant workers themselves were widely reported.

<sup>8</sup> See, <https://sportelliimmigrazionemilano.it/>



With simplified flyers [...] we immediately gave them all the necessary information in an understandable way so that they could take action, right? [...] In addition, we sent them precisely where they could access [the application] directly, to those with accreditation to the Ministry.

*Representative of the legal orientation service of an association*

The provision of information regarding immigration-related legal issues takes place in a widely depoliticised field, as it is mostly relegated to the private market sphere where obtaining information turns into an individual challenge. In fact, as several interviewees pointed out, the role of public actors is limited and ambiguous. At the national level, some immigration-related procedures are subcontracted to the *patronati*; however, the cost of regularisation practices is not fully reimbursed by the state and these organisations applied fees that varied substantially from case to case (reaching hundreds of euros for the management of a single application). Municipal services, instead, play a marginal role, and where dedicated resources exist, they tend to give priority to local and/or more vulnerable cases (e.g. those signalled and taken in charge by the territorial network of services). As a key informant explained, the increased subcontracting and underfunding of these services has to do with the resistance of local administrations to investing public resources in services targeted exclusively at the migrant population:

The explanation lies in the political will behind it, where immigration offices still exist, as they are increasingly limited, they are not directly managed by the municipality as in our case, but they are contracted out to cooperatives and associations. Over time it has gone more and more in that direction.

*Representative of a municipal immigration office*

Moreover, the access of an undocumented migrant to a public service should not be taken for granted: not only because municipalities can decide to deliver services only to legal residents (see Semprebon et al. 2022) but also because migrants themselves might not feel entitled or safe in dealing with public institutions. Consequentially the 'legal-administrative intermediary support field' leaves ample room for a wide array of commercial actors, including (immigration) lawyers, business and tax consultants, and private, more or less formalised, commercial agencies with highly varying degrees of competence. Entering this field (both as subcontractors and as independent actors), CSAs filled the gaps left empty by state authorities' inaction and retrenchment and were actively contributing to neoliberal, privatisation trends.

However, CSAs also repoliticised the provision of legal information in at least two ways. On the one hand, CSAs contested the private market basis on which legal information was mainly available on the grounds that:

According to us, information should be free. One should not have to pay for information!

*Representative of an association*

The previously mentioned network was deliberately made up only of non-profit organisations that provided this service totally free of charge or, at most, asked for an association membership card. They always operated on a non-profit basis and did not consider the regularisation service to be a 'product' to sell:

We collectively attempted to find out how we could make as many people as possible access [the regularisation] while respecting all regulations. Because with a regularisation, mostly a regularisation but also other steps regarding the granting of residence permits in general, there is

always an important black market in the background. This black market often flows to criminality, to scams. Therefore, the third criterion was that helpdesks were for sure not scams.

*Representative of an association*

On the other hand, spreading legal knowledge increased the legal awareness of migrants and employers, and of volunteers and activists themselves. In this respect, the provision of legal advice was politicised through the establishment of ‘communities of expertise’ of volunteers and activists. By ‘commoning’ legal knowledge (Alexiou et al. 2016)<sup>9</sup>, they aimed to reduce the power imbalance (Haselbacher 2019) between the ‘holders of legal knowledge’ (both professional and governmental actors) and those who lacked this knowledge and were disempowered as a result:

What we have always tried to do is to make the people that come to the helpdesk aware that they too could also volunteer at the helpdesk. We are an association, we are not a commercial service, we are not a CAF [centre for fiscal assistance]. We are an association that has chosen to dedicate time because we believe in the fact that we must defend our rights, and that to defend our rights we must know the immigration law.

*Representative of an association*

By establishing relational spaces that are characterised by mutual learning, the hierarchies and closure characterising the bureaucratised and professionalised field of law are challenged through practices aiming at sharing legal knowledge on a more equal basis, for the ‘common good’, making the technical aspects of the policy more accessible to a wider public. In this respect, CSAs repoliticised the field of legal support through solidarity, debordering and empowering.

## **6. De- or repoliticising? Facing policy implementation dilemmas**

The implementation of the regularisation procedure relied heavily on the cooperation of CSAs since an important percentage of applications were made through some kind of intermediary, including CSAs.<sup>10</sup> However, not all the actors in our study decided to cooperate with submitting applications; some refused to collaborate as a matter of principle, others were ideologically favourable but encountered problems accessing public accreditation,<sup>11</sup> some obtained an ad hoc accreditation for the regularisation programme, and others (notably the *patronati*) were already accredited as institutional public service providers. We shall now discuss why some actors chose (not) to provide these services in light of the specific depoliticisation risks and opportunities envisaged by what we call a ‘policy implementation dilemma’.

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<sup>9</sup> That is, self-organising in non-commercial ways of sharing a common pool resources, in this case, legal knowledge.

<sup>10</sup> In theory, every employer possessing an ‘SPID’, the Italian public digital identity system, could submit an application directly to regularise an employee with the government. However, since this was a relatively new tool and most employers were senior citizens regularising their care workers, the SPID formed a serious obstacle, and many chose to submit the application with the help of an organisation.

<sup>11</sup> Organisations could apply with their own SPID, but if they wanted to manage more than 5 ‘individual’ applications, they had to apply to the Ministry of Interiors to be formally authorised to proceed.

For CSAs, the choice of (not) being directly involved in the application process leads to different reflections on their political role. First of all, when submitting applications directly, CSAs performed tasks that could – and, according to some, *should* – be performed by state actors themselves:

Our focus, even in the past, was trying to empower, to make more autonomous, those who come to us. It is a long-term decision. We do not provide services that we believe should be provided directly by public institutions.

*Representative of an association*

CSAs delivering information or submitting applications could even be seen by more radical actors as being ‘complicit’ with governmental policy because when they implemented that policy, they reproduced the exclusionary nature of the categories upon which the policy was built, without changing, challenging or contesting it (Nicholls 2013). In this respect, CSAs operated as control agents, ensuring that the ‘correct’ implementation procedure was followed and facilitating the work of public administrations, as these were relieved from evaluating ‘poorly prepared’ or incomplete submissions that would require repeated requests for documentary integration. Close cooperation with governmental actors also blurs the boundaries between state and non-state actors. For instance, in the fragment below, these trade unions are physically present in the immigration office to counsel people asking for information who do not have a formal appointment:

ANSWER: Every Thursday afternoon, I am at the police headquarters when they distribute residence permits. During this time, many people arrive to ask for information, we [trade union] receive people without an appointment, who otherwise would have been sent away without an answer. For long, we have had this agreement with the police headquarters [...] we provide them with information on what to do, for instance, how to apply for the residence permit, where to go for the Italian language test, things like that.

QUESTION: So, seen in a certain way, it is as if you were taking on the role that the police headquarters should have, right?

ANSWER: Yes. [...] My advantage is that I have been into immigration law and procedures since the Martelli Law, so I know a good proportion of the rules, and if someone at police headquarters says, “No, he is not entitled because ...” [we say] “Why not? Let me go and see because maybe there is a piece of legislation, I remember one circular”... And many problems have been fixed through this knowledge of the past [...] This is not evading the law or doing a favour; these are all solutions found within the law.

*Local representative of a trade union*

As we can observe, the involvement of CSAs relieves public workers from ‘extra’ work, and migrants receive information that they would not otherwise have accessed. While it is a clear example of responsibilities being pushed away from public actors, CSAs take advantage of the ‘blurred’ boundaries between themselves and state gatekeepers, influencing – and de facto exercising – the discretionary power of street-level bureaucrats. These *invisible avenues for contention* are usually exercised on individual cases through informal dispute resolutions that require not only a high degree of professional competence but also being recognised as legitimate interlocutors by governmental actors. Similar considerations can be drawn from the opportunities offered by the *Consigli Territoriali per l’Immigrazione*<sup>12</sup>. Several interviewees mentioned them as crucial

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<sup>12</sup> The Territorial Councils for Immigration are collaborative bodies of governmental (e.g. municipal immigration offices) and non-governmental (e.g. associations or NGOs) actors chaired by a prefect. A *Consiglio Territoriale* provides a space

contexts where they could bring “technical” issues to the attention of the authorities and where they could argue for more favourable pieces of administrative legislation.

Repoliticisation through institutional or case-based forms of contention were usually the prerogative of a limited and selected number of actors and depended heavily on the willingness of public actors who had the power to summon meetings and set agendas and to open cooperation routes and dialogues. Nonetheless, they reveal that the inherently contentious character of the technical field of (immigration) law can be observed and played out even in extrajudicial arenas, at least by more technically skilled actors. However, managing applications also provided politicisation avenues to less institutionalised and professionalised actors who pursued what we have call *repoliticisation through empowering*. For instance, some CSAs actively tried to address the unbalanced relationship between employers and employees that was embedded in the procedure. While – as envisaged by the programme – they could have simply limited themselves to helping employers with their applications, some CSAs developed specific strategies explicitly aimed at *empowering migrants* vis-à-vis their employers. This includes summoning both parties when preparing the application and checking documents, sharing relevant documentation and information with both migrants and employers, pushing employers to start hiring procedures as soon as possible, and making it clear to both parties who should be in charge of paying and being responsible for what. So, while implementing an exclusionary government policy, they repoliticised this field, exercising case-based forms of contention and through specific empowering strategies.

As stated by this interviewee, preparing and sending applications could be seen more as helping migrants with their (il)legal status than as helping the government with its policy. The political aspect can be found in the effect of the support on the lives of (previously excluded) migrants:

As regards the regularisation programme, the third sector becomes the substitute for what welfare should be. [...] I know very well that I am doing a favour for the government. But if I have to be the surrogate of the state for six months doing the amnesty, I do not give a damn. I will do it, and it will seem sentimental, but the smile of these people, Ok? It is priceless. Since I know what it means, I get pissed off, and it pains me when the Italians, abstractly, and activists, abstractly, say to you: “Well, but you don't solve that.” Yes, I don't solve it, but at least I give a group of people the chance to exist.

*Representative of an association*

This politicisation avenue centred on the desire to directly transform specific aspects of society according to shared political values – in this case, promoting migrants' inclusion facilitating their access to legal status – recalls forms of direct social action (Zamponi 2018) that, as we shall discuss, could also lead to forms of solidarity rooted in civil disobedience.

## **7. Repoliticising through public protest and civil disobedience**

Some CSAs, moved by specific ideological convictions, were keener on repoliticising the amnesty through more visible and traditional forms of contention, that is, public protest. During the application period, various

for deliberation by the main institutional actors: the region, (the association of) municipalities, the police headquarters, the prefect, employers' associations, trade unions, and sociocultural associations. In Milan, the regularisation programme actually led the prefect to reconvene the council in September 2020 after many years. This resulted, for instance, in a prefectural note clarifying that migrants in the process of being regularised should have access to the national health care system.

demonstrations were organised to 'demand' regularisation with fewer restrictions. When the application period was over, various demonstrations and flash mobs were organised to put pressure on the government to speed up the process:

Public protests and rallies are essential to us; they go hand in hand with legal and paperwork assistance [...] it is one of the ways through which we can get heard [by the prefect] and seen.

*Local representative of trade union*

At least we let them hear our voice [...] There are about 26,000 applications pending in Milan; it will take a long time. They said they are processing 16 applications a week... it will take 33 years to finish.

*Migrant who applied for regularisation*

The legal service helpdesk has always been considered a tool for political action; it was never thought of as a service. And the relations that we have established with the police headquarters, in particular, were not born through a signed protocol but came from a hunger strike for the issue of renewals of residence permits in 2007. Then, we established ourselves as an association under the "Archi" umbrella, but they had to talk to us because we were on strike.

*Representative of migrant association*

While the protests were initiated by the less professionalised and grassroots CSAs, institutionalised actors engaged in managing applications were relevantly involved. In particular, the last quote shows that forms of institutional and governmental cooperation might be seen as the outcome of a (political) struggle to be seen, heard and recognised as legitimate interlocutors through more open and confrontational means in the past. This provided the opportunity for the previously described 'technical' and covert forms of advocacy in the present. Moreover, some civil society organisations used the demonstrations not just to make political demands. They also used the visibility of these instances of protest to reach out to migrants who might have problems with their applications and to refer them to the free legal support available at the various legal helpdesks. In other words, the above shows how forms of collaboration and contestation can sometimes go hand in hand.

Another observed strategy to contest the policy was civil disobedience. This often took the form of 'hires for solidarity': instances in which someone would 'employ' an irregular migrant 'on paper' for the sole purpose of regularising them. These acts of civil disobedience stemmed from different (and often mixed) reasons, relationships and ideological convictions:

We help immigrants. If one has the opportunity to make this sacrifice, even financially, and say, "I do not really need a caregiver, however, I could make this effort to get him a residence permit" (...) let us say that the volunteer 'changes his clothes' and becomes an employer (...) This is what happens.

*Volunteer at (migrant) association*

I absolutely felt as if it was a duty – I have first-hand knowledge of so many situations precisely of young migrants – I wanted, how to say, also to commit myself on this front [employing a migrant to apply for regularisation].

*Volunteer at (migrant) association and employer for solidarity*

Hiring someone out of solidarity often 'politicised' private and intimate ties of friendship and affection. Previous research regarding migrant regularisations has shown (see Bonizzoni 2017) that just meeting the

prerequisites for a bureaucratic procedure is seldom enough to obtain regularisation. Employers, both real and fictitious, often have little to gain from participating in a regularisation other than forms of emotional satisfaction or gains from moral considerations. In fact, after regularisation, in the case of a genuine employment relationship, they often have to pay their employee more money in the form of taxes and social security contributions in a context in which controls on irregular employment hardly exist. Labour relationships that are fit to be regularised are those in which employers and employees have a 'good' relationship. Employers often see their participation as an 'act of gratitude' towards employees whose loyalty has 'earned' them their chance to be regularised.

One could argue that a similar dynamic might be at play with hires for solidarity. Solidarity employers do not choose their 'employee' at random but rather politicise their pre-existing bond or friendship with an irregular migrant. As the quote below shows, knowing about the situation of irregular migrants by having close contact with them can politicise 'ordinary' people, causing them to essentially break the law out of political conviction:

People who are involved in a solidarity amnesty, the one that is regularised, might feel guilty or like you are doing them a favour; this too is bad that they have to say thank you all the time. But these mechanisms are triggered when you are, speaking of privileges, the 'white person' who was able to help and regularise another person. Unfortunately, this is how this mechanism is created.

*Employer for solidarity*

However, as the quote above shows, these relationships also rest on an inevitable power imbalance between the 'regulariser' and the 'regularised', which recalls some of the depoliticising aspects of humanitarian support. However, common participation in associational, religious or recreational activities can bear the potential to trigger relevant changes in the everyday lives of migrants, which also potentially reduces the power imbalance embedded in these potentially patronising relationships.

## 8. Conclusions

The study has shown that CSAs have played a crucial role in the last regularisation procedure, filling a gap in public services and functioning as key intermediaries between governmental agencies and the migrants. While the participation in public policy through the provision of services is often seen as depoliticisation (Moini 2017; Wood and Flinders 2014), this article aims to nuance this and shows that civil society can use their involvement in the regularisation to contest and find different avenues to politicise the regularisation programme.

CSAs risk depoliticising the field of legal support as long as they fill a gap left by public actors. However, by directly engaging in its provision, they have also contributed to r-politicising it through different strategies and avenues. Firstly, given that undocumented migrants have few options other than relying on a deregulated privatised market, CSAs can repoliticise (legal) support by readdressing it as a good to be provided outside market logic, overcoming the categorisations produced by the (limited) public services available. Moreover, by sharing legal knowledge through 'communities of expertise', CSAs challenge the power imbalance that characterises the bureaucratised and professionalised field of law, sharing legal knowledge for the 'common good' (Hamidi 2006; Luhtakallio 2012). Legal knowledge is shared and decommodified at different levels. On the one hand, several organisations (especially grassroots organisations but also more professionalised and institutionalised organisations, such as trade unions) favoured citizens' and migrants' learning through

participation as volunteers and activists. On the other hand, different organisations ‘commoned’ legal knowledge through networks (e.g. the “Rete Sportelli”), pro-bono training activities and so on. What can be observed here is what we have called repoliticisation through solidarity and debordering.

Secondly, those CSAs that have chosen to execute government policy – that is, implementing the programme preparing and sending applications and being recognised by governmental actors as institutional interlocutors – can repoliticise support by exercising contention in different ways, firstly, by taking part in institutional contexts (e.g. pushing for more favourable rules, regulations and administrative decisions through the Consigli Territoriali) and secondly by influencing and acting as street-level bureaucrats to obtain favourable opportunities for migrants wishing to be regularised. Politicisation can also be exercised by empowering migrants – vis-à-vis their employers, state bureaucrats or other power-holders – while preparing and submitting applications. While these strategies require resources (e.g. technical legal knowledge) and a degree of institutionalisation that not all CSAs aim to achieve, the data collected show that the technicalisation of social issues, arenas and means of contention can be used as a further tool to carve out more favourable policy outcomes for migrants, both at an individual and at a collective level.

Repoliticisation through contention can also take more open, transgressive and less institutionalised forms. When organising public protests, CSAs tried to expand participation beyond institutional and technical arenas, languages and means of struggle, promoting migrants’ visibility and direct participation. CSAs promoted the forging of personal relationships, ties of friendship and affection between irregular migrants, volunteers and activists, which could trigger acts of civil disobedience and have the potential to improve the everyday life of migrants radically. This shows how within civil society and most prominently within (migrant) associations, helping migrants to access the regularisation, by spreading awareness or by a solidarity hiring, resulted in a transgressive and contentious political act.

The engagement of CSAs in this process varied. Some actors rejected a role of ‘policy implementer’ who ‘blurs the boundaries’ between civil society and governmental actors by refusing to filter and handle applications. Others took advantage of the avenues offered by the management of applications and by cooperation with governmental actors to negotiate and carve out more favourable conditions for regularising migrants. In other words, civil society is anything but homogeneous when it relates to its participation in the execution of public policy. Actors differed in the extent to which they were keen to execute government policy and were capable of making this choice. They differed in the extent to which they established forms of collaboration with governmental actors (for instance, through subcontracting) or took part in open forms of protest and, less visibly, in forms of case advocacy and civil disobedience as well as in their degree of technical competence on legal matters. It is interesting to observe that public protest and ‘insider’ forms of advocacy are not mutually exclusive: instead, they can feed each other. Some organisations pursue both strategies (cooperating with governmental actors and taking part in street protests) because, through protest, they could be recognised, obtain visibility and be heard by governmental actors. They had been capable of mobilising migrants thanks to the relationships established with them through service provision, sustaining their cases, and, at the same time, they took advantage of the visibility obtained in public protest to forge ties with regularising migrants, addressing them as non-exploitative supporting actors.

This article shows that CSAs’ actions cannot simply be classified as depoliticisation when this framework is applied to an empirical case like the 2020 regularisation. This binary distinction does not account for the grey areas that occur in practice when policies, issues, and actors can often be found somewhere in the middle (see also Bobbio 2017). Given the hybridisation between humanitarian practices and contentious politics (Della Porta and Steinhilper 2021) and the observation that even the more radical political actors have added service provision to their political repertoire (Bosi and Zamponi 2015), it is no longer enough to look at what CSAs do if one wishes to establish whether civil society is depoliticised through their actions. Instead, one must also

consider the motivation for actions and how a certain resource is provided. In the case of legal service provision in particular, rather than simply implementing a policy, many CSAs had a pragmatic yet critical approach and used their position as intermediaries to challenge migrants' exclusion through a wide and articulated – albeit inherently ambivalent – series of practices.

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