



# Subverting neoliberal citizenship. Migrant struggles for the right to stay in contemporary Italy

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## Times of Migrant Struggles in the Global North

Present times are not only times of proliferation of borders, aimed at controlling the mobility of subaltern people. They are also times of struggles against those borders, recognized as a key mechanism of the dominant citizenship regime in the global North. Those struggles are enacted *autonomously* by migrants who claim the *right to have rights*, in particular the rights to free movement, to stay in the countries of arrival, to decent work and welfare, to cultural freedom, to belong and participate to the political community.

One of the first expression of contemporary migrant struggles can be seen in France, where in 1996 three hundred women and men occupied two churches in Paris: they first decided to call themselves the *sans-papiers*, and produced a highly visible social movement asking for a general regularization of their status (Cissé 1999; McNevin 2006). At the beginning of the new century similar mobilizations developed in Spain with the *sin papeles* movement (Barbero 2012), in Switzerland (Laubenthal 2007) and in Italy where, in July 2001, the anti-G8 protests in Genoa were significantly opened by a migrant demonstration. In the aftermath of September 11, a securitarian turn against ‘internal enemies’ and unwanted migrants



took place, stimulating migrant struggles also in the United Kingdom, Canada (Nyers 2008) and the United States (De Genova 2009), generally focussed on regularization, administrative detention and deportation issues. Finally, a new cycle of contention started during the global economic crisis, especially in France (Longhi 2012) and Italy (Oliveri 2012, 2013), as much as in other Southern European countries such as Greece and Spain. At the time of writing, mobilizations by asylum seekers are ongoing in many German cities, especially Hamburg and Berlin, claiming the right to stay and to move freely within the country.

Despite their diversities, contemporary migrant struggles share some basic elements. Generally speaking, they react against the neoliberal globalization and the simultaneous rise of a governance of migration based on a highly selective, market and security-based border regime, which establishes a “global hierarchy of mobility” (Bauman 1998, 69) between the North and the South of the world. In receiving countries, this border regime aims to reduce the number of refugees and reunified family members, to select ‘the brightest and the best’ migrant workers (Anderson 2013) and to produce low-cost, precarious and disposable labour force (Mezzadra and Neilson 2013). In countries of departure, barriers to free movement contribute to maintain unemployment high and labour costs low, thus meeting the needs of multinational and local companies. From this perspective, open borders for capitals and selective borders for human beings are not contradictory, but two complementary sides of the same globalized capitalist mode of production.

### **The Neoliberal Governance of Migration**

The current governance of migration deserves the label of *neoliberal* because migrants’ fundamental rights and freedoms are linked to the right to entry and stay in the country, which essentially depends on their employability and usefulness according to market rules. Under neoliberal ideology even arguments for free movement are made with the only purpose of “moving people with lower status into positions from which they can serve the needs and meet the demands of people with higher status more easily” (Gill 2009, 117). Moreover, in the frame of contemporary global migration, populations are no longer fixed entities tied to a specific national territory, but flexible resources that can be selected and manipulated through entry quotas, points-based visas, administrative and penal detentions, expulsions. Italian immigration laws, in particular, require would-be non-EU immigrants to have jobs already waiting for them in order to receive a valid visa, and only if there are no EU workers available for those jobs, and within quotas based on the national origin and the skills of workers. The Bossi-Fini law currently requires migrants to leave Italy if unemployed for more than a year, giving therefore enormous power to employers, who may prefer immigrant workers exactly because of their higher precarity. The same law allows migrants without valid permit to stay to be held in so called Identification and Expulsion Centers (CIE) for up to 18 months, with the declared but largely unattended aim to return them to their country of departure.

Under neoliberal governance of migration, irregularity is not an accident or a failure but is systematically produced by immigration policies: “irregularization” (Hiemstra 2010) and everyday “deportability” (De Genova 2002) reinforce the risk of severe labour exploitation, for regular and irregular migrants as well. The majority of migrants are required to go through a period of irregularity, including possible incarceration, during which time they are tested: only those who accept to live with no or few rights in precarious conditions will be admitted to the rank of the regulars (Santoro 2008; Conlon and Gill 2013). Especially in Italy, legalization programs have been periodically launched during the last twenty years for those who entered illegally, or over-stayed after their residence permits expired, and were trapped in underground economy. Nevertheless, these programs offer only temporary legal status, contingent on being employed in the formal economy, having no criminal records, including violations of immigration penal laws, and matching several socio-economic criteria such as revenue and housing standards.

### **The Neoliberal Regime of Citizenship**

Current migration governance is a key element of the neoliberal regime of citizenship. As soon as the market becomes the benchmark of any efficient governmental action, there is little or no room for taking care of the population as a whole (Foucault 2008): inclusive, egalitarian, and democratic citizenship tends therefore to be substituted by an exclusionary and stratified citizenship, designed for and by purely economic logic. Democratic participation, including the expression of public dissent and the development of nonviolent negotiation processes, tends to be replaced by technocratic decisions, raw relations of power and paternalistic support to silenced, marginal groups. On one side, neoliberal citizenship legitimizes inequalities in accessing fundamental rights on the base of individual merits and failures: “the neoliberal subject is therefore not a citizen with claims on the State, but a self-enterprising citizen-subject who is obligated to become an entrepreneur of himself or herself” (Ong 2006, 15). On the other side, as marketization tends to produce anomy and conflicts instead of social cohesion, neoliberal citizenship works through the criminalization and racialization of marginal groups, the “securitization” (Wæver 1998) of social problems, and the “communitarization” (Bauman 2001) of ethical issues. These mechanisms have been extensively used in addressing migrations. Through the criminalization of migrants, citizens accept growing rates of discrimination according to class, ‘race’, national origin, and legal status: respect for the law, including immigration law, functions as a more politically-correct mechanism that *racializes* citizenship, stunting social solidarity towards those who do not respect *our* rules. Through securitization, citizens apprehend social problems related to migrations as security problems, and tend to consider crime control, repression, incarceration, and expulsion as the main solutions. Through the communitarization of ethical issues, isolated and competitive citizens are embedded in presumed homogenous “communities of value”, constituted by “good citizens” essentially opposed to

“failed citizens” and “non-citizens”, stigmatized as importing backward traditions and social relations (Anderson 2013).

Against this theoretical background, I will defend two main theses. First, contemporary migrant struggles express a strong critique of neoliberal migration governance and try to subvert the related neoliberal citizenship regime, by attacking the mechanisms of “differential inclusion” (Mezzadra and Neilson 2011) which affect them the most. This may be particularly the case of those mobilizations where migrants claim the *right to stay*, against irregularization and deportability. Second, since the 1990s Italy has been a laboratory for the affirmation of neoliberalism in terms of migration governance and citizenship regime: migrant struggles in this country offer therefore an interesting case study, also because they may be apprehended as a proper “cycle of contention” (Tarrow 2011), stimulated by the convergent pressures of the economic crisis and further restrictions to immigration law (Oliveri 2012). In order to verify the consistency of those theses, I will focus on the so-called “crane struggle” enacted by irregular migrants in Brescia (Lombardy) in autumn 2010 in order to obtain “*papers for all*”. At least four aspects of this mobilization may be apprehended as an embryonal subversion of neoliberal citizenship. First, migrants rejected invisibility and differential inclusion, making their faces visible and their claims audible in the public sphere through self-organization, and thus asserted themselves as subjects “to whom the right to have rights is due” (Isin 2008, 18). Second, migrants denounced irregularization and criminalization, showing the tricky mechanisms of the regularization procedure launched in 2009 by the centre-right Italian government, ending in the rejection of thousands of applications. Third, migrants contested precarization and exploitation, claiming the right to stay for all as a source of fundamental rights, such as the right to decent and regular work, and the right to housing. Fourth, migrants overcame isolation and opposition from the rest of the population, mobilizing solidarity and building alliances beyond established anti-racist milieus.

### **The Contemporary Cycle of Migrant Struggles in Italy**

Migrant activism in Italy is not new. The gradual affirmation of the neoliberal migration governance, supported by centre-left and centre-right governments alike, regularly produced resistances and mobilizations, often in reaction to dramatic episodes of racist violence. Nevertheless, the tumult of Rosarno (Calabria) exploded on 7 January 2010 after the shooting of two African orange pickers, may be considered as a turning point. Without that tumult, it would be difficult to explain the acceleration in the organization processes of the first migrant general strike, which took place on 1 March 2010 in many cities and factories (Cobbe and Grappi 2011), following the example of “the great American boycott” organized in the United States in 2006 and “A day without immigrants” organized in France on the same day. Subsequently, without that first general strike, it would be difficult to explain the “crane struggle” in Brescia, which stimulated emulations by other groups of irregular migrants throughout Italy

between November 2010 and July 2011. Moreover, in the same period, a campaign against undeclared work was launched in the countryside of Nardò (Apulia) in Summer 2010, and a two-week strike was organized for the first time by migrant farmworkers themselves against illegal gang-mastering in Summer 2011, again in Nardò (Oliveri 2013). In the same Summer a series of strikes and blockades started in the logistics district of Piacenza (Emilia-Romagna). These struggles, which expanded in other towns, are still ongoing at the time of writing: they were principally enacted by migrant workers with the support of grass-roots unions, against exploitative working conditions in co-operative companies sub-contracting from multinationals like TNT, GLS and Ikea, or big national corporations in the furniture and agro-food sectors. This wave of strikes in the logistics gave new impetus, especially in Northern Italy, to mobilizations against the compulsory link between the permit to stay, a regular working contract and a minimum revenue standard. Moreover, between 2011 and 2013 migrants achieved what no border movements and anti-racist NGOs alone have never been able to achieve, namely to close some Centres for Identification and Expulsion because of material damages occurred during the revolts they organized against deprivation of freedom and dreadful living conditions. At the time of writing, five of the thirteen Italian CIE are closed for renovation, and the remaining eight have been damaged, so that less than half of the original 2,000 places are currently available.

The rapid, continuous, and national-wide diffusion of such mobilizations, often interconnected in terms of claims and repertoires of action, represents a radical challenge to the Italian political and socio-economic system as a whole, and not only to the governance of migration. These first elements suggest that we have been confronted, since the tumult of Rosarno, with a proper cycle of struggles, *i.e.* with an expansive social movement which creates political opportunities for others to join in, characterized by innovations in the frames of collective action and public discourses, and by the coexistence of organized and unorganized activists. Moreover, “even defeated or suppressed movements leave some kind of residue behind them, and that effect of social movements, successful or failed, is cumulative in the long term, leading to new protest cycles” (Tarrow 2011). Before 2010 migrant mobilizations in Italy rarely gained the critical mass, the continuity and the deep political nature which were necessary to produce results of this kind. Occupations of public sites and migrant strikes (Raimondi and Ricciardi 2004) remained rather isolated episodes, while the prevalent form of generalized protest was the one-day, national anti-racist rally, co-organized by migrant associations, pro-migrant movements, trade unions, leftist and neo-communist parties. Maybe for the first time in the clearest and largest way, migrants in Italy are developing an *autonomous political subjectivity*. “Acts of citizenship” (Isin 2008) provide a useful methodological background for assessing the impact of this innovation, as they are *acts producing actors that do not existed before*. Concerning in particular the crane struggle in Brescia, this background allows to apprehend the legal and social preconditions of the mobilization, the forms of protesting and claiming, the public discourses, the strategies of communication and organization, the practices of

negotiation and networking from the point of view of *migrants enacting themselves as rights-bearing subjects* and thus *acting as citizens, even if they are not expected or authorized to do so*.

### **The Crane Struggle in Brescia: Motivations, Developments, Effects**

“*Fighting hard without fear. We’re all on the crane*” read a big, yellow banner on top of the 35-meter crane in a construction site of the subway, near to the city centre of Brescia. The first occupiers of the crane were nine young men from Egypt, Morocco, Senegal, India and Pakistan. During the 17-day occupation, from 30 October to 16 November 2010, their number dropped from nine to six, and finally to four, because of the very harsh weather conditions and a situation of increasingly difficult communications with the rest of the movement. Supported by daily pickets at the bottom of the crane, composed by a hundred Italian anti-racist militants, some inhabitants of the neighborhood, and immigrants from different non-EU countries, the occupiers raised two main claims: the right to receive regular documents for all migrants already working and living in Italy, especially for those whose applications to the 2009 regularization were rejected; the right to organize a permanent sit-in in front of the local Prefecture in order to monitor the whole procedure. The protest against the rejected demands for regularization had already started on 28 September 2010, when a hundred migrants and anti-racist activists began to picket the Prefecture for 32 days and nights, without any result. The occupation of the crane was rapidly and *autonomously* decided by migrants themselves, after the police violently removed the picket and charged an unauthorized rally in the city centre.

Besides the long-standing tradition of mobilizations in Brescia, which hosted in 2000 a 45-days occupation of the City Hall Square by a hundred irregular migrants (Mometti 2004), there were also objective conditions that made the city a perfect scenario for the crane struggle. The province, with a total population of about 1 million 250 thousand people, registered after Milan, Rome and Naples the highest number of applications to the 2009 regularization but, in comparison to other territories, it registered also one of the highest rates of rejections (Ministry of Interiors 2010). Thanks to the crane strugglers, the 2009 regularization procedure became generally known and contested as the “*sanatoria truffa*”<sup>2</sup>. Migrants felt like they had been deceived over and over again. First, domestic and care workers were the only two categories in favor of which employers were able to regularize existing working relationships: the government consciously decided to maintain in the underground economy, *i.e.* without regular contracts and further labour and social rights, all the migrants employed in construction, manufacture, services and agriculture. Second, restrictions of the regularization alimented a false documents industry. On one side, when employed in sectors excluded from the regularization,

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<sup>2</sup> “Sanatoria” is the Italian word for “amnesty” or “regularization”. “Truffa” literally means “fraud”: it expresses migrants’ feeling about the unfair and tricky nature of the 2009 regularization.

migrants had to find people pretending they had an undeclared working relationship with them as domestic and care workers, in order to be regularized. On the other side, hundreds of migrants became the target of swindlers who sold them fake documents, for no less than 3,000 euros, and disappeared without applying to the regularization. Third, Ministry of Interiors interpreted restrictively the eligibility criteria for the regularization after thousands of irregular migrants had already applied and paid 500 euro fees, which were not refundable. According to an earlier interpretation of the law, migrants who had already been expelled twice for a non criminal offense could apply too. According to a later and more rigorous ministerial interpretation, migrants who experienced double expulsion might be charged with the newly introduced penal offense of “staying without due motivation in the territory of the State after being expelled”<sup>3</sup> and were to be excluded from the procedure. Uncertainty in the correct interpretation of the law, and the ministerial preference for a tighter enforcement of eligibility criteria, resulted in more than 24,000 rejected applications, corresponding to almost 8% of the 295,112 demands received in the whole country (Ministry of Interiors 2010). Some rejections were followed by arrest and expulsion decrees, generally not enforced but nevertheless highly distressing for the people concerned and their relatives.

As they decided to stop the occupation, migrants were legally supported and protected from expulsion by the lawyers of the association “*Diritti per tutti*”, who succeeded in building trust with the occupiers thanks to their respectful and not paternalistic approach. Negotiation talks with the Prefecture, supported by the local catholic Church and the CGIL trade union in order to obtain regular permits to stay, produced no significant results. Concerning the 2009 regularization procedure, the nation-wide attention raised by the crane struggle against the *sanatoria truffa* may have contributed, at least indirectly, to a land-mark decision passed in May 2011 by the High Administrative Court (*Consiglio di Stato*). The judges ruled that exclusion from regularization because of a situation of “double expulsion” was illegitimate, thus reopening the rejected applications. This was possible thanks to the *El Dridi* ruling (C-61/11) of the EU Court of Justice, which declared custodial sentence on the sole ground of ignoring the order to leave the national territory, as introduced in 2009 by the Italian government, being in breach of the European “Returns” Directive.

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<sup>3</sup> The norms passed by the centre-right government in 2009 with the so called “Security Package” classified “irregular entry and stay in the country” as a criminal offence, rather than as a simple administrative irregularity. Consequently, migrants without valid permits to stay were liable to pay a fine of 10,000 euros. Furthermore, according to the norms passed in 2008 with another “Security Package”, in case of violations of the penal code, being “irregular” was considered as an aggravating circumstance. This disposition was declared unconstitutional in 2010 by the Italian Constitutional Court, reaffirming the principle of equality between citizens and non-citizens, in general and especially in reference to penal law. On 2 April 2014 the Italian Parliament delegated the government to de-penalize within 18 months the offence of “irregular entry and stay in the country”.

The persistence of a large number of undocumented and irregularly working migrants persuaded the Italian government to open a new regularization in 2012, without really modifying the access criteria which produced rejections and mobilizations between 2010 and 2011. Like in 2009, Brescia was one of the Italian Province with the highest number of regularization demands, precisely 5,412 of 134,576 in the whole country (Ministry of Interiors 2012). The high costs of the procedure, its deplorable slowness and the finally deceiving outcomes, with more than a third of the files being rejected, produced a new wave of mobilizations for the right to stay and to be legalized throughout Italy. Brescia became, once again, one of the centers of the protests, also because of the experiences accumulated in the previous years and the support of news associations, of immigrants and anti-racist militants as well, which saw the light after the crane struggle. The new wave of mobilizations started in June 2013 with a sit-in in front of the local Prefecture, went on with a large rally on 28 September, and with a sit-in on 10 January 2014 during the visit of the then Ministry of Integration, Cécile Kyenge, the first African-Italian minister in the country's history. Arun, a 26-year-old Pakistani who was one of the crane occupiers, became a leading figure of the immigrant rights movement in Brescia. With his own words:

We want to go higher than the crane this time. The Italian State produces laws in order to exploit poor workers, who just want to be regularized and have a decent job. The Bossi-Fini law is an unfair law, which prevented thousands of immigrants from receiving the permit to stay they were entitled to. We pay taxes, but they do not recognize our rights, they trample on them (Venturi 2013).

### **The Crane Struggle as a Subversion of Neoliberal Citizenship**

Bearing in mind the neoliberalization of citizenship discussed above, in connection with neoliberal migration governance, it is possible to affirm that the migrants engaged in the crane struggle tried, more or less consciously, to subvert the *status quo* at least under four respects.

First, when the migrants occupied the crane and thus the public space through an act of self-representation and self-organization, they challenged neoliberal citizenship as a mechanism of political incapacitation of subaltern groups. With their spectacular and, at least in Italy, unprecedented act the occupiers took advantage of the mainstream media attraction for sensation in order to gain attention and stimulate a public debate on their situation and, more generally, on the migrant condition in the country. They succeeded in presenting their claims without intermediaries: their voices circulated through independent radio stations and mobile phones; their faces became known through street TV, video and file sharing. They also sent two video-messages to the public and one message to the President of the Republic, asking his support as *their* President as well. Thanks to this dynamic communication strategy, the migrants on the crane were no longer just *extracomunitari* (non-EU nationals) or *clandestini* (illegals), but they gained individual faces, names and identities. As a result, they broke the given barriers of

perception and communication, and demanded to be seen and heard for what they really were: workers, members of families, neighbours, co-citizens able to act politically and try to change their own condition. After migrants represented and organized themselves autonomously, they entered in a peer and no more paternalistic relationship with trade unions, NGOs, and political parties. They stopped appearing as mere *victims* of unlucky circumstances or unjust laws, and started to be seen as *full political actors* and members of the political community, even if not legally authorized. In conclusion, they anticipated an alternative regime of citizenship based essentially on conflictual practices and collective action rather than on a fixed differential status. All these *practical* elements, more than a *theoretical* reference to a common humanity, allowed struggling migrants to assert themselves as rights-bearing subjects, *i.e.* as subjects to whom the right to have rights *is due* by the other members of the community and by institutions.

Second, when migrants denounced the multiple forms of illegality and frauds which affected them, also because of their lack of residence permits, they contested the mainstream view and the propaganda of populist movements, such as the Northern League, which regularly depict *them* as *criminals* in order to legitimize their precarity, their exploitation and their exclusion from welfare system. This implies a subversion of neoliberal citizenship, which institutionalizes the legal/illegal divide through the criminalization of marginal groups and the securitization of social issues in general, and of migration issues in particular. Telling their histories, struggling migrants succeeded in explaining to a wider audience how irregularity is produced by immigrations laws, being nor a natural condition neither a synonym of criminality and social dangerousness.

Third, when migrants claimed the right to stay as a precondition for accessing other fundamental rights, they also contested the exploitative *ratio* of linking permits to stay to employment, thus refusing to be considered only as an *economic resource*. This corresponds to a rejection of neoliberal citizenship, which uses the sovereign power on territory and border controls in order to select the population and produce rightless, highly exploitable people, reduced to a pure *human commodity*. Struggling migrants also tried to prove their claims as legitimate by activating *self-critical mechanisms* incorporated in constitutional legality (Oliveri 2012), as they denounced the rejection of their regularization as a violation of their right to have rights. The logic of merit and conduct as conditional for accessing rights was thus contested from the perspective of its consequences on people without valid residence permits, but also on the rule of law of a democratic State.

Fourth, when migrants mobilized solidarity and built unexpected alliances beyond nationality and status divides, they put neoliberal citizenship in question as a mechanism of isolation and competition for resources, especially among those who suffer under deregulation, privatizations and cuts to public expenditures. Competition is often presented in racialized terms, depicting migrants as a threat to *our well-being* and as responsible for *our* declining opportunities. Struggling migrants spoke fearlessly the truth against the hypocrisy of the dominant economic

system, which exploits migrants at the same time as it exploits other workers, while artificially opposing *them* to *us* (Anderson, 2013). They also produced unity among the different ethnic and national communities, rejecting the efforts to culturalize inequalities and differential inclusion. Struggling migrants succeed in arousing *internal* and *external* solidarity, because they raised a universalisable demand for justice, which was understandable by other oppressed people, especially if exposed to the same effects of the crisis. For instance, the Italian workers who occupied an industrial crane in August 2009 against the closure of their factory, sent them a significant message: “Don’t be afraid of those unionists or politicians who attack you: they would do anything to put workers against workers. You have to resist. You are right. We are with you” (Piacentini 2008, 21). Migrants on the crane received also moral and material support from the inhabitants of the neighborhood, who provided them with water, warm food and clothes. At the same time, they provoked the generally adverse attitude of the public authorities and the harsh repressive response of the police, who repeatedly tried to remove their supporters from under the crane and to interrupt their access to water and food. Moreover, arrests and deportations were systematically used against the leaders of the mobilization.

In conclusion, neoliberal citizenship affects and threatens everyone of us. This is why the most famous slogan of the struggle in Brescia – “*we are all on the crane*” – really expresses what we should learn from this mobilization.

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