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The reform of administrative detention in Italy: A “declaration of war” to irregular migrants and asylum seekers*

**Reforma detencji administracyjnej we Włoszech.
„Wypowiedzenie wojny” migrantom o nieuregulowanym statusie
i osobom ubiegającym się o ochronę**

Abstract: Dating back to Italy’s first comprehensive immigration law in the 1990s, the practice of detaining irregular migrants has served various explicit and implicit purposes, both practical and symbolic. Two decrees passed in 2023, under the far-right government of Giorgia Meloni, were explicitly framed as responses to the increasing number of migrants arriving at the borders. The aim of these decrees was to prolong the detention of asylum seekers and irregular migrants, with the stated aim of increasing returns. However, despite these measures, available data suggests that the capacity of detention centres has not increased significantly, and the rate of returns has remained stable. Against this backdrop, this article seeks to explore the explicit and implicit functions of detention by examining recent reforms and publicly available quantitative data obtained through a request under Italy’s Freedom of Information Act. It suggests that whilst detention serves practical purposes for a minority of migrants, its symbolic role in conveying state sovereignty and strict border control is equally important.

Keywords: administrative detention, borders, asylum seekers, deterrence, symbolic policies

Abstrakt: Począwszy od pierwszego kompleksowego prawa imigracyjnego we Włoszech w latach 90. XX wieku, praktyka umieszczania w detencji migrantów o nieuregulowanym statusie służyła

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różnym jawnym i ukrytym celom, zarówno praktycznym, jak i symbolicznym. Dwa dekrety przyjęte w 2023 r., pod rządami skrajnie prawicowego rządu Giorgii Meloni, zostały wyraźnie sformułowane jako odpowiedź na rosnącą liczbę migrantów przybywających na granice kraju. Celem tych dekreto-
w było przedłużenie detencji osób ubiegających się o ochronę i migrantów o nieuregulowanym statusie, by zwiększyć liczbę powrotów. Jednak pomimo tych środków, dostępne dane sugerują, że pojemność ośrodków detencyjnych nie wzrosła znacząco, a wskaźnik powrotów pozostał stabilny. W tym kontekście niniejszy artykuł ma na celu zbadanie jawnych i ukrytych funkcji detencji poprzez analizę ostatnich reform i publicznie dostępnych danych ilościowych uzyskanych na wnioski na podstawie włoskiej ustawy o wolności informacji. Sugeruje on, że podczas gdy detencja służy praktycznym celom w odniesieniu do mniejszości migrantów, jej symboliczna rola w zapewnianiu suwerenności państwa i ścisłej kontroli granic jest równie ważna.

Słowa kluczowe: detencja administracyjna, granice, osoby ubiegające się o ochronę, odstraszenie, polityka symboliczna

Introduction

One of the hallmarks of the last decade of Italian immigration policies is the obsession with administrative detention,¹ which is often presented by the executive as a solution to manage the rising migration flows. In Italy, administrative detention of irregular migrants dates back to one of the first comprehensive laws on immigration, adopted in 1998; since then, foreigner detention centres have always been used for various purposes, both explicit and implicit as well as practical, political and symbolic (Sampson, Mitchell 2013).

As of 2017, an intensive legislative activity has reshaped the apparatus of administrative detention. At least six legislative reforms have expanded the categories of those to be detained, the length of the detention period and the spaces in which migrants can be administratively imprisoned. Two of these laws were passed in 2023, under the far-right government of Giorgia Meloni, and they were explicitly presented as a way of dealing with the increase in migrant arrivals at the external borders. The first, Law Decree n. 20/2023, converted into Law n. 50/2023, focussed mainly on the detention of asylum seekers during the asylum border procedure and seemed to anticipate the reforms proposed at the EU level – through the 2020 Pact on Migration and Asylum – aiming to reinforce the detention mechanisms at external borders (Favilli 2023). The last Law Decree (124/2023, converted into Law 162/2023) was adopted at the end of a summer in which the number of arrivals by sea had risen significantly over the previous year.² It was accompanied by the Prime Minister's press release, in which

¹ For the purpose of the article, we understand “administrative detention” as the deprivation of liberty of foreigners for immigration purposes and not for criminal purposes, whether it is applied based on existing legal provisions (*de iure* detention) or not (*de facto* detention). As is detailed in the article, immigrant detention can occur in different sites, such as longstanding pre-removal detention centres, as well as in more recent informal facilities such as the so-called “hotspots”.

² As of 15 September 2023, the number of recorded arrivals by sea was 127,207, whilst in the same months of 2022, 66,237 people had arrived (Ministry of the Interior, Daily Statistical Dashboard).

she directly addressed migrants in these terms: “If you enter Italy illegally you will be detained and repatriated” (Tiberio 2023). Moreover, she presented the extension of the detention period as a way to increase the number of returns.

Both decrees seem to evoke a scenario in which it will be legally possible to detain large groups of asylum seekers or irregular migrants for long periods of time. However, it has been several years since the Italian administrative detention system reached a capacity of more than 10,000 detainees. According to the available data (Fabini 2022; Campesi, Coresi 2023), the number of places available in detention centres increased between the late 1990s and early 2000s, but it then slowly decreased between 2010 and 2017. It is worth highlighting that whilst in the first decade of the 21st century the average number of detainees was 12,000 per year, between 2010 and 2020 the average decreased to 5,600 per year (Ferraris 2021). Moreover, since the establishment of the detention centres, the average percentage of returns from the centres has been stable at around 48% – overall, less than half of detainees are repatriated from the centres. Taking into account the relatively low capacity of the detention system in Italy in the last 15 years, Elena Valentini (2023) argues that the functioning of detention centres is ambivalent: alongside “a legal device marked by the will to make possible a massive recourse to detention”, there is also “a factual reality calibrated on a selective use of the instrument”.

Against this background, this article aims to examine the explicit and implicit functions of detention, as they emerge from both recent reforms and from the available quantitative data. We suggest that although detention serves practical purposes concerning a relatively small percentage of asylum seekers and irregular migrants, its evocative and symbolic functions are no less important as a means of conveying a political message of strong state sovereignty and harsh border control.

1. Conceptualisation and rationales of administrative detention

As the use of administrative detention has increased in Europe over the last 20 years, legal, political and sociological researchers have debated the theoretical foundations and functions of this coercive measure. Though there is no consistent, comprehensive conceptualisation of administrative detention, some scholars have identified at least three possible theoretical perspectives to address the issue (Campesi 2020a; Fernández Bessa 2021).

One of the most long-standing and influential theorisations, both within and outside the academic debate, is that of the political philosopher Giorgio Agamben. He has traced detention centres back to the concept of the camp – drawing a parallel with extermination camps – understood as a place where “the norm becomes indistinguishable from the exception”, and the exception is understood “not as a special law, but as the suspension of the legal order itself” (Agamben 2003: 13). The camp paradigm has often been used to criticise the flagrant violations of law

and fundamental rights that take place in detention centres, but more recent criminological, social and socio-legal perspectives diverge from this approach (Campesi 2020a).

For instance, scholars in the emerging field of border criminology (Aas Franko, Bosworth 2013) argue that administrative detention should rather be regarded as an expansion of the reach of the penal or carceral state (Beckett, Murakawa 2012). The inherently punitive nature of administrative detention, which becomes evident when looking at the places and conditions of detention and listening to the “lived experiences” of detained migrants (Bosworth 2018), has been placed at the forefront of reflections on the relationship between the penal state and immigration regimes. In other words, scholars in the field of border criminology have argued that the exercise of power deployed on the grounds of integrating immigration and criminal law is itself painful and punitive, even if the authorities claim that it has purposes other than punishment (García Hernández 2014). The intersection between the criminal justice and immigration systems ultimately means extending the reach of punitive power, whilst simultaneously weakening and disregarding the guarantees of criminal law.

Other scholars have moved away from the approach that sees immigration detention as a form of punishment, suggesting that it should rather be read through the lens of the “preventive turn” invested in the field of criminal law (Ashworth, Zedner 2014). Under these theoretical lenses, immigration detention should be seen “as an example of the increasing influence of the logic of preventive control that provides law enforcement agencies with expedited control tools which operate at the margins of the criminal justice system, intending to maximize their capacity to anticipate alleged threats and contain risk” (Campesi 2020a: 539). From this perspective, the asymmetry between the typical guarantees of criminal law and those granted to foreigners is not so much a problematic consequence of the expansion of the penal state, but rather a confirmation of the general trend of weakening safeguards that occurs in the turn from the penal to the preventive state (Carvalho 2017).

Such a theoretical model is in line with reflections that explain the process of securitisation by anchoring it in the qualification of the foreign person as a risk or threat to society. The notion of detention as a preventive measure is based not so much on the juxtaposition between migration and criminality, but rather on the juxtaposition between migration and dangerousness. In other words, detention is used to control dangerous and deviant behaviour, regardless of whether it may result in a crime and regardless of any claim to punishment. Ultimately, these dangerous behaviours are identified in the movement of migrants, which is perceived as a source of danger and insecurity.

Although the recent theoretical approaches we have referred to differ in their conceptualisation of the genealogy of immigration detention, they are consistent and converge on the assumption that the functions of administrative detention go beyond the legal/practical justification of preventing migrants from absconding and (ultimately) ensuring their return. Detention could be understood as a form of

punishment or as a manifestation of the “preventive state”, but in both cases scholars have argued that detention has become a tool for governments to target specific groups of migrants and to pursue both practical and symbolic functions through the selection of such groups. From a more operational perspective, scholars have argued that detention functions as a tool to “regulate human mobility” (Campesi 2024), and specifically as a “containing, bordering and excluding” device (Mountz et al. 2012). At the same time, its symbolic dimension – as a tool to reaffirm the state’s power to exclude and to reinforce its authority – shall not be disregarded, especially in a context in which immigration reforms are led by populist parties.

Legislative activity gives rise to symbolic politics when norms are not created to produce concrete effects and certain consequences for reality, but rather function to promote simplistic solutions to complex problems and to achieve a strictly political/electoral consensus (Edelman 1987). The creation of “suitable enemies” has been seen as one of the main functions of symbolic politics (Christie 1986), since such enemies can be blamed for various social problems and the sense of insecurity that results from a pluralistic and complex social context. Foreigners have been, and continue to be, one of the most suitable enemies par excellence: as early as the 1990s, Loic Wacquant argued that foreigners are “both the symbol and the target of all social anxieties” (Wacquant 1999: 219). It is possible to read the implementation of the instruments of control, identification and deportation of migrants in terms of institutionalising the fear of the foreigner: in recent years, migration policies aimed at asylum seekers have been characterised by the centrality of the immigration-security nexus (Blengino 2015: 16). From this perspective, administrative detention continues a tradition in which the “use of force” is presented as a tool to reassure the public and reduce anxiety in the face of media images and narratives of “invasion” and “siege” (Maneri 2016).

The study of detention from a sociological or criminological perspective is precisely to reveal the many functions of detention other than those expressed by the law. For example, some scholars have highlighted the instrumental function of “general” deterrence for all foreigners (Bosworth 2017), or “special” deterrence to persuade irregular migrants to leave the country voluntarily (Leerkes, Kox 2017) or that of managing public order (Leerkes, Brodeurs 2010; Campesi, Fabini 2019). Others have argued that despite the lack of effectiveness of such measures in controlling the movement of asylum seekers and returning irregular migrants, detention “remains a potent symbol of sovereign authority over territory” (Sampson, Mitchell 2013: 107). Isabella Majcher (2014) has shown that the way in which norms are framed contributes to the punitive and “disciplinary” nature of the administration, as they target migrants who are perceived as criminal and coerce them into accepting deportation. Cetta Mainwaring and Stephanie Silverman have also argued that “the divergence between stated and realised goals suggests that the detention system contributes to the spectacle of enforcement in a particularly valuable way”. They contend that if detention is primarily related to the display of sovereign power beyond its borders, such a symbolic function may also explain the

“continued expansion of detention despite mounting and compelling evidence that it is harmful and ineffective in achieving its ostensible policy goals” (Mainwaring, Silverman 2017: 23).

In the following paragraphs, we look at the proliferation of legislation in the field of administrative detention through the lens of the informal, practical and symbolic functions that this tool has displayed in Italy in recent years.

2. Methodology and data collection approach

The article investigates the impact of recent legislative changes on the administrative detention system in Italy and reflects upon the practical and symbolic functions of administrative detention. It does so by combining a legal analysis of the legislative reforms that have occurred since 2017, focussing in particular on the recent changes brought about by the far-right government led by Giorgia Meloni, with a quantitative analysis of data related to the presence and composition of the detainees in Italian administrative detention centres. The analysis focusses on the number of detainees, their country of origin, their legal status (we distinguished between irregular/illegalised migrants and asylum seekers) and the number of detainees returned to their country of origin. In order to provide a more accurate analysis of the manifold functions of the detention system in Italy, we decided to enrich the quantitative analysis by focussing on specific detention centres in Turin (northern Italy), whilst most of the centres are located in the south.

Assuming that the administrative detention system has been reinvented since the so-called refugee crisis, and taking into account that most of the crucial reforms related to migrant detention took place in 2017, 2018 and 2020, we decided to focus on qualitative data on Turin’s detention centre for the period 2018–2022. We obtained such data through a request submitted under the Freedom of Information Act (FOIA), which was formally introduced in Italy in 2016. The data were then compared with the national-level data made publicly available on the “Trattenuti” platform, developed as part of a project by ActionAid Italy and the Department of Political Science of the University of Bari.³

The Turin centre presents some peculiarities with regard to the national detention centre landscape. It is one of the oldest centres built in Italy (in 1999) and it has been functioning almost continuously (except for a short period in 2008 when it was closed for renovation). Moreover, the centre was also active during the pandemic and was identified as the facility with the highest number of detainees in 2020 and 2021 (Caja, Celoria, Mattiello 2022). According to several reports, the centre is intended to receive both migrants apprehended at the border or on the street as well as migrants who have previously been detained in prisons. In this regard, the choice of focussing on the Turin centre takes into account the literature

³ The data can be publicly accessed at the platform website (Trattenuti n.d.).

analysis according to which there is a tendency to use the instrument of administrative detention to manage migration in urban areas and as tool of “policing dangerous mobility” rather than for deportation purposes (Campesi, Fabini 2019: 65–66). The Turin centre seems particularly emblematic in this sense: located in an urban area far from the border, the facility can be considered orientated towards detention as an end in itself, as will be shown by the numbers of annual returns compared to admissions. The management of the territory through the use of detention is particularly interesting for understanding the symbolic use of migration policies, especially with regard to the selective management processes of migrants who are considered dangerous,⁴ though they are not returned.

Quantitative data on the Turin centre were collected through a FOIA request submitted by the authors on 24 April 2023 to the Turin Police Headquarters with reference to the period 2018–2022. The requested data were transmitted to the researchers on 24 May 2023. The requested data concerned the number of migrants transiting⁵ through the centre, the average length of stay, the number of asylum seekers on entry, the number of people who applied for international protection within the centre and the number of people coming from prisons, with reference to nationality and for the period under review. The local data were compared with the national data available on the “Trattenuti” platform. The latter were collected through FOIA requests addressed to the Ministry of the Interior, the Prefectures (local offices of the Ministry of the Interior) and the competent Police Headquarters. The national data on the platform are currently available for the period 2018–2021.

The comparison of the quantitative data focussed in particular on the number of persons detained in recent years, the relationship between the average number of days in the centre and the percentage of persons detained and then returned, the number of the most represented nationalities, the incoming asylum seekers and applications for asylum made within the centre and some reflections on the most represented nationalities. Although it is theoretically possible to detain women within the Italian framework, the Turin detention centre does not have a female section (the only functioning female section is in the Rome detention centre), so all figures refer to adult male detainees.⁶

The quantitative analysis described above is incorporated with a review of the relevant literature on the functions of administrative detention in Italy and with a critical examination of the policy and legislative changes that have occurred in recent years, drawing on theoretical and empirical studies on Italian detention centres.

⁴ The concept of “dangerous” migrants is based on the conceptualisation of “dangerousness” developed by Campesi and Fabini in 2020, which holds that the notion has been constructed in practice by law enforcement agencies and often refers to individuals “burdened by criminal convictions or police records which are merely a reflection of the criminalization of irregular migration and of the intense police surveillance that migrants are subjected to” (Campesi, Fabini 2020: 62).

⁵ By the term “transit”, used in the context of data received via FOIA, the authors refer to the number of people who entered the Turin centre – or Italian centres – in a given year.

⁶ According to Italian law, foreign unaccompanied minors cannot be detained, and – whilst it is not explicitly stated in the law – families with minors have never been placed in Italian detention centres.

3. Traditional and developing features of immigration detention in Italy

Italian pre-removal detention centres have changed names several times (first called “centre for temporary staying” [CPT], then “centre for identification and deportation” [CIE] and now “pre-removal staying centre” [CPR]). Their number and capacity have also changed, but they have maintained some common features over time. They usually resemble prisons or high-security facilities, are constantly monitored by the police and the army and are managed by private companies selected by the local prefecture (a representative of the Ministry of the Interior) through a tendering process. Most of them have been repeatedly reported for inadequate and unhealthy detention conditions (MSF 2004; CILD 2021). At the end of 2023, there were nine functioning CPRs, located in Milan, Rome, Gradisca d’Isonzo, Nuoro, Bari, Brindisi, Potenza, Caltanissetta and Trapani, with a total capacity of 961 detainees (CILD 2023).

Such centres have traditionally been used for detaining irregular migrants pending expulsion, and only marginally for the detention of asylum seekers (who cannot in principle be returned, as their expulsion could constitute a violation of the principle of “non-refoulement”). According to national and EU law, asylum seekers cannot be detained for the sole reason that they have applied for asylum, but they can be kept in centres to establish their identity and gather the elements on which their asylum application is based, if there is a risk of absconding or if they pose a threat to public order or security. In addition, migrants detained on the basis of a deportation order may remain in detention even if they subsequently apply for asylum, provided that the authorities can prove that the asylum application was made solely to avoid deportation.

Apart from “official” administrative detention centres (those formally recognised and regulated by the Unified Text on Immigration), migrants are also *de facto* detained in several informal facilities of a “hybrid” nature: most of these centres were built close to ports in southern regions or on islands (such as Lampedusa) and functioned as initial reception facilities of disembarked migrants and asylum seekers. However, the nature of placing foreigners in such centres has been never clarified: very often the facilities were fenced off and under police surveillance, thus implying a form of coercion against migrants that could amount to (*de facto*) detention.⁷ With the implementation of the “hotspot” approach launched by the European Commission in the 2015 European Agenda on Migration (European Commission 2015), these centres (renamed hotspots) were for the initial identification and fingerprinting of

⁷ The facilities where migrants have been placed immediately after disembarkation were never framed as formal detention centres (as CPTs, CIEs and CPRs). However, the ways migrants were kept in the centres limited not only their freedom of movement, but eventually also their personal freedom. Even though this form of informal detention had been already studied by several scholars (Campesi 2013; Ferraris, Anastasia 2013), the deprivation of liberty to which migrants were subject was only recognised for the first time by the European Court of Justice in the *Khlaifia* case in 2016.

new arrivals. Despite the absence of a legal framework authorising the detention of foreigners during the initial phase of identification – and before a return order is issued – the practice of deprivation of liberty in such centres has been widespread since 2016 (National Guarantor 2019; 2020; 2021). Suddenly, hotspots became sites of confinement, where foreigners were detained immediately upon entry in the country. Although migrants are physically on the territory of the state, this form of detention is commonly referred to in the literature as “pre-entry” or “pre-admission” detention (Guild 2005). In 2023 the European Court of Human Rights recognised that several migrants had been *de facto* restricted in the Lampedusa hotspot in 2017 and 2018, and it sanctioned Italy for their unlawful detention (13755/18 2023; 20860/18 2023; 21329/18 2023; 70583/17 2023).

Taking into account the features and the evolution of the detention system, Giuseppe Campesi (2020) has suggested that the history of administrative detention in Italy can be divided into four phases: institutionalisation and expansion (1998–2010), consolidation (2011–2012), crisis (2013–2015) and reinvention (2015–2020). During the first two phases, the main targets of administrative detention were irregular migrants, who were portrayed as “illegal” and “clandestine” and portrayed to the public opinion alternatively as dangerous “enemies” or as “parasites” trying to improve their living conditions by benefiting from the welfare and social protection of rich Western countries (Spena 2019: 303). During these years, the criminalisation of irregular migrants, based on the use and juxtaposition of criminal and administrative measures and administrative detention, was just one of the many manifestations of the reach of the penal state. In the same years, irregular migrants were also punished and incarcerated through the criminal system because of their presence in the country, which was framed as a crime; often, they were subject to a continuum of detention, first in prison and then in administrative detention centres once they had served their sentence.

Since 2011, riots and protests in detention centres have led to their closure in two major cities (Milan and Bologna), whilst at the same time campaigns promoted by civil society have denounced the serious impact of detention on the health and fundamental rights of migrants (Barbieri et al. 2013). A report adopted in 2013 by an *ad hoc* commission of the Italian Parliament highlighted the very high costs of immigration detention and its ineffectiveness as a tool for enforcing the return of irregular migrants. Gradually, the number of centres and the number of places in the facilities were significantly reduced, and a law passed in 2014 significantly reduced the maximum period of detention (from 18 to 3 months) and required migrants to be released if there was no prospect of deportation. However, the “crisis” of administrative detention now appears to be an accidental break in an ever-expanding process of proliferating detention centres and policies.

Since 2015, in fact, the government has repeatedly intervened in the design of each of the types of administrative detention we have identified: the pre-entry detention in hotspots, the pre-removal detention of irregular migrants and the detention of asylum seekers in CPRs. First, in 2015, the grounds for detaining asylum seekers in

CPRs on “security-related grounds” were expanded as a result of the implementation of EU Directive 2013/32 (OJ of 29.06.2013, L 180). Then, in 2017, two new grounds of detention in CPRs were introduced, for a) those who were taken to a hotspot for identification but refused to be fingerprinted and b) those who applied for asylum after being detained on the grounds of a return order linked to a “deferred” refusal of entry (*respingimenti differiti*). This last provision, albeit seemingly innocuous, is significant in light of the numbers of migrants issued with a “removal orders” immediately after they enter the territory by sea.⁸ Moreover, in 2017 the Ministry of the Interior Marco Minniti (linked to the centre-left Democratic Party) announced that every region would have its detention centre and presented a higher number of CPRs as a crucial tool to manage migration flows.

In 2018, the new Ministry of the Interior, Matteo Salvini (leader of the far-right Northern League party), implemented the same policy, reinforcing the idea of detention centres as a central tool in migration management. Law Decree n. 133/2018, named after Salvini for his crucial role in drafting its content, extended the maximum period of detention for irregular migrants (to 6 months) and introduced a new hypothesis of detaining asylum seekers for identification purposes. Asylum seekers could be detained for up to 30 days in “special facilities” within the hotspots and then transferred to CPRs, where their detention could continue for up to 12 months. Whilst until 2017 detention could only take place in CPRs, the 2018 reform formally made detention in hotspots part of the detention system, albeit amid numerous doubts about its constitutional legitimacy. Such a provision could potentially target all asylum seekers arriving by sea. However, migrants rescued in search and rescue (SAR) operations and who arriving autonomously by boat were not *formally* detained in hotspots. The European Court of Human Rights (ECtHR) recognised that the deprivation of their liberty occurred during identification and before they applied for asylum, and that it was not imposed by a formal decision, therefore taking place *de facto* (European Commission 2015).

Finally, in 2020, a subsequent reform of the Immigration and Asylum Law once again affected the detention system (Law Decree 130/2020, converted into Law 173/2020). On the one hand, the reform increased the number of cases in which asylum seekers could be detained, with a plethora and overlap of cases that could, on paper, legitimise the detention of a large number of dangerous individuals. In particular, asylum seekers could be detained if they have committed misdemeanours for which arrest is not mandatory, and if they have reapplied for asylum after an expulsion order has been issued. On the other hand, the legislature has for the first time established a scale of priorities to be followed when deciding on a coercive measure against irregular migrants. According to Art. 3(2) of the Law Decree, detention is applied as a matter of priority to two groups: a) those who have been

⁸ According to the data published in the Annual Reports of the National Guarantor of the Rights of Persons Deprived of Their Liberty, the percentages of returns following a “deferred” refusal of entry out of the total number of returns were 29.4% in 2017 (1,917 persons), 22.4% in 2018 (1,438) and 21.4% in 2019 (998), reaching 35.3% in 2020 (1,185) and 71% in 2021 (1,221) (National Guarantor 2018; 2019; 2020; 2021; 2022).

convicted of an offence for which the law provides mandatory detention or who are considered a “threat to public order and security”, even if no criminal proceedings have been initiated against them, and b) those who come from countries that have signed formal or informal readmission agreements with Italy. The centrality of co-operation agreements with third countries is also illustrated by the provision that, if the foreigners come from a country with which Italy has signed return agreements, their detention can be extended by a further 30 days, up to a total of 120 days.

Just a few months ahead of the reform, the Ministry of the Interior, Luciana Lamorgese, held informal negotiations with Tunisia to ensure an increase in the return of Tunisian nationals. This policy laid the foundations for a new phase in the management of the Italian detention system in the post-national lockdown period, defined as the phase of the CPR’s “revolving door” (Caja, Celoria, Mattiello 2022) and orientated towards a “managerial” approach (Brandariz García, Fernández Bessa 2016). At the same time, the new law institutionalised the priority given to the detention of “dangerous migrants”, confirming what Giuseppe Campesi and Giulia Fabini had already theorised and showing that detention is indeed used instrumentally to manage the supposed “social dangerousness” of migrants (Campesi, Fabini 2019).

Overall, the reasons and places where migrants can be detained (*de jure* or *de facto*) have proliferated during the period of “reinventing” the detention system. Moreover, the links between the three typologies have been strengthened, as asylum seekers could be legally detained first in hotspots and then in CPRs; similarly, irregular migrants were *de facto* detained in hotspots before the issuance of a return order and then transferred to CPRs to carry out the return along a “supply chain” of detention (Caprioglio, Gennari 2021).

Conversely, evidence of the harms of detention has emerged in parallel with the reforms aimed at expanding the detention system: many reports have highlighted the poor living conditions and the problematic approach to migrants’ health by the companies running detention centres (CILD 2021; Fighi, Rondi 2023). It is striking that since the adoption of a plan to expand detention capacity by building detention centres in each region, which was presented by Minniti in 2017, 15 migrants have died in detention in a CPR. The number increased between 2018 and 2022 (Naga 2023), although in many cases the causes of death remain unclear and are not properly investigated.

The analysis of the legislative reforms shows that the legislature envisaged a scenario in which almost all incoming migrants – including asylum seekers – would be detained *en masse* upon arrival at the border (Veglio 2018). Such a trend is in line with the process of stigmatising asylum seekers as a threat to European societies, who should therefore be stopped before entering the territory. To this end, asylum seekers have been represented not as victims of political persecution, wars, natural or human disasters, but rather as disguised economic migrants or “false (bogus) refugees” from whom EU countries must be protected (Maneri, Quassoli 2016). At the same time, the government is focussed on the risk that both irregular migrants and asylum seekers pose to public order and security, legitimising detention as a tool for managing such “dangerous” migrants and

“turning asylum seekers into dangerous criminals”, a trend that has been reported in Italy and elsewhere (Bathia 2015: 98; Maneri, Quassoli 2016). Finally, the 2020 law has prioritised the detention of irregular migrants from certain countries, in an attempt to “managerialise” the functioning of detention centres.

4. Detention in numbers – a quantitative analysis of migrants’ presence in the detention apparatus

Since the establishment of the administrative detention system, the numbers of migrants held in Italy’s centres has continued to rise and fall. As shown in the introduction, a gradual decrease was registered starting from 2010, reaching a minimum of 2,928 detainees in 2016. However, according to recent reports, there was an increase in the numbers between 2017 and 2019 (CILD 2021; Campesi G. and Coresi F. 2023). The situation has been more difficult to capture in recent years, due to the impact of the pandemic on the capacity of the centres and on enacting returns. This trend is accompanied by longer stays of the detainees, whilst the number of returns is tending to decrease. Looking more closely at the situation in the CPR of Turin for the period 2018–2022, we have seen that there is a decrease and then an increase in the number of returns. It is interesting to note that the decrease occurred even before the outbreak of the COVID-19 pandemic in 2020, a period in which detention centres continued to function (Caja, Esposito, Mattiello 2020). The number of detainees decreased from 1,147 in 2018 to 908 in 2019, to 816 in 2020 and to 785 in 2021 before increasing to 807 in 2022. The decrease between 2018 and 2019 can be explained by the extension of the detention period up to 6 months due to the Salvini reform.

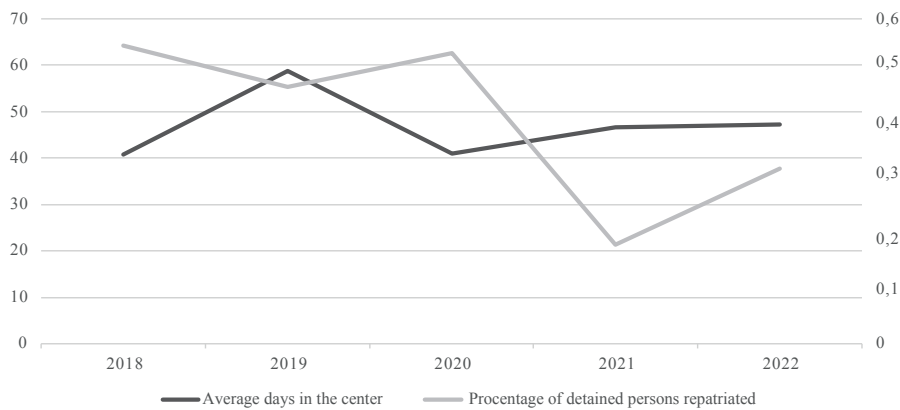
At the national level, the figures showed a partially different trend, with an initial increase from 4,069 detainees in 2018 to 6,010 in 2019, a subsequent decrease in 2020 to 4,431 detainees and an increase in 2021 to 5,216 people passing through the centres. The number of people detained in Turin out of the total population detained from 2018 to 2021 corresponds to 28.2% in 2018, 15.1% in 2019, 18.4% in 2020 and 15% in 2021. The percentage in 2018 is particularly significant, as in that year there were only seven active CPRs in Italy, whilst they were eight in 2019 and in 2020, and ten in 2021.

Whilst the average length of stays in the centres has been fluctuating in recent years,⁹ the percentage of repatriated persons over the number of admissions has generally averaged 48.3% between 2018 and 2021 (Campesi, Coresi 2023: 22). The figures concerning the Turin CPR show a trend of rising average length of stays in the centre, especially in the last three years: after an increase from 2018 to 2019

⁹ The figure for 2021 was 35.2 (Trattenuti 2023: 22).

(40.8 days in 2018 to 58.7 days in 2019), the average length of stay decreased in 2020 (41 days), only to increase again in 2021 (46.6 days) and 2022 (47.2 days). It is interesting to compare the average length of stay in the different years with the percentage of detained persons repatriated.

Figure 1. Average length of stay in the Turin CPR, in days, and percentage of detainees repatriated



Source: FOIA request submitted by the authors.

The relationship seems to be inversely proportional, i.e. when the average length was lower the repatriation rate was higher, and when the average length increased the repatriation rate decreased. Indeed, in 2018 the average length of stay was 40.8 days and 55.1% of persons were repatriated, whilst in 2019 the average length of stay increased to 58.7 days and repatriations decreased to 47.5%. In 2020, the average length of stay decreased to 41 days and repatriations increased to 53.7%, and in 2021 the average length of stay increased to 46.6 days and repatriations decreased significantly to 18.3% of all transited persons. The situation was slightly different in 2022, when a slight increase in the average stay (47.2 days) was accompanied by a more significant increase in returns (32.3%), although the percentage of total returns remains low compared to the total. As mentioned above, an analysis of data on detention within CPRs in Italy showed that the Turin centre is particularly focussed on detention rather than removals, highlighting the tendency to use detention as a way of managing urban space and migration policy (Fabini 2024), as well as a punitive purpose of the centre, detaining people for long periods without deportation. More generally, it is interesting to note that the length of stay did not affect the number of returns. The latter remained relatively low and constant over time both in the Turin centre, where the average length of stay was high, and on a national level. The number of returns was not affected by the increases in the maximum length of stay provided for by the legislative changes that have taken place over time (CILD 2023). As for the most represented nationalities, the trend in Turin's centre is similar to that at the national level (Campesi, Coresi 2023).

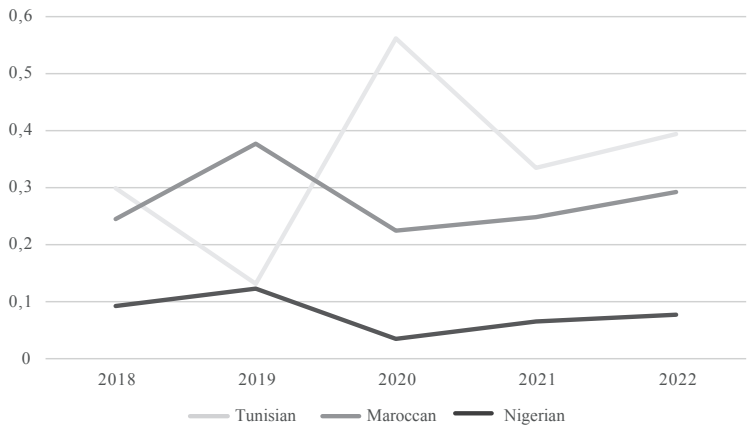
Table 1. Numbers of transits among the three most represented nationalities in the Turin CPR

Year	Tunisian	Moroccan	Nigerian
2018	343	282	106
2019	120	342	113
2020	459	184	29
2021	264	195	51
2022	318	236	63

Source: FOIA request submitted by the authors.

The detainees were mostly from Tunisia, Morocco and Nigeria.¹⁰ Tunisian citizens went from representing 29.9% of the total number of people in transit in 2018 to 13.2% in 2019 and 56.2% in 2020. In 2021, the figure fell to 33.6% of the total, before rising again to 39.4% in 2022. The figure for the presence of Moroccan nationals seems to be more constant over time: except for 2019 (37.7%), when the percentage of Moroccan transits exceeded that of Tunisian transits, it was always between 22% and 30% (24.6% in 2018, 22.5% in 2020, 24.8% in 2021 and 29.2% in 2022). People from Nigeria ranged from 3% to 13% over the period: there was an increase from 2018 to 2019 (from 9.2% to 12.4%), whilst there was a significant decrease in 2020, when Nigerian nationals accounted only for 3.5%. In 2021, the figure rose to 6.5% and in 2022 to 7.8%.

Figure 2. Percentage of the three most represented nationalities in the Turin CPR



Source: FOIA request submitted by the authors.

Other nationalities that are more strongly represented in Turin are Albanian, Algerian and Egyptian, but none exceed 5%. These are the most represented

¹⁰ The distribution of detainees by nationality may vary by centre, though (CILD 2021: 119–121). It should also be noted that data on the nationalities of people detained in all centres in Italy are only partially available (Trattenuti 2023: 23).

nationalities, likely because they are considered easier to repatriate, either coming from “safe” countries of origin (although Nigeria would not be added to the list until 2023) or from countries with which Italy has formal/informal agreements on repatriation, such as the one that Lamorgese agreed with Tunisia in 2020. In fact, Tunisian nationals are the most numerous among the Italian CPRs. Whilst in 2018 and 2019 they were about one third of those present, since 2020 this has risen to more than half (CILD 2021: 124).

This initial exploration of the data on the nationality of those detained and their subsequent repatriation thus highlights the selectivity of the processes that lead to some migrants being detained and others not. Several analyses have highlighted the selective tendency to return mainly people of Tunisian nationality (Di Luciano 2021), including through the implementation of procedures that undermine their rights, especially for the purpose of applying for asylum (ASGI 2020). The composition of the population in the centres, together with the data on returns, suggests that CPRs are used in the management of irregular migration by targeting specific sub-groups of migrants and asylum seekers of certain nationalities.

Given that most of the reforms of administrative detention in recent years focus on asylum seekers, we decided to isolate the data of detainees who applied for asylum. Two different groups of asylum seekers can be identified: those who presented an application after they were detained for the purpose of removal, pending the return proceeding (we label them “asylum seekers already in detention”), and those who applied for asylum before a return order was issued against them, but because of a risk of absconding or because they were considered dangerous they were nevertheless placed in detention (described as “incoming asylum seekers”). With regard to the Turin CPR, the data reveal a scenario in which the overall presence of asylum seekers was relatively low. This is particularly evident in the case of incoming asylum seekers (understood as those who applied for asylum before being detained): in 2018 there were 40 incoming asylum seekers, i.e. 3.5% of the total number of transits; there were 29 (3.2%) in 2019, 12 (1.5%) in 2020, 20 (2.5%) in 2021 and 15 (1.9%) in 2022. The figures at the national level were slightly different, but still limited: 115 in 2018 (2.8%), 168 in 2019 (2.8%), 100 in 2020 (2.2%) and 218 in 2021, which is also the highest percentage over the period (4.2%). The Turin Police Headquarters only provided data on the countries of origin of this group for 2018, 2021 and 2022. With regard to 2018, the most represented countries were Algeria (3), El Salvador (3) and Tunisia (3), whilst other nationalities with incoming asylum seekers did not exceed one person per country. In 2021 the countries with more than one inbound asylum seeker were Morocco (6), Nigeria (4) and Tunisia (3). In 2022, they were again Morocco (6), Nigeria (4) and Tunisia (4).

Conversely, there was an increase in asylum applications lodged by migrants already detained in the Turin CPR (who had to remain in detention centres because their application was considered fraudulent): 92 in 2018 (8% of the total transited in the CPR that year), 76 in 2019 (8.6%), 99 in 2020 (10.8%), 75 in 2021 (9.6%) and 219 in 2022 (27.1%). It is thus possible to observe a trend of increasing numbers

of applications lodged in the CPRs in recent years, whilst the overall number of asylum seekers detained after lodging an application has remained very low.

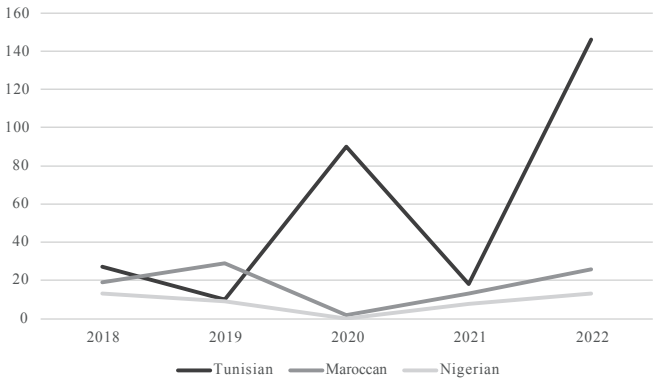
Table 2. Numbers of asylum seekers transited through the Turin centre

Year	Incoming asylum seekers	Asylum applications submitted at the CPR	Total asylum seeker
2018	40	92	132
2019	29	76	113
2020	12	99	29
2021	20	75	51
2022	15	219	63

Source: FOIA request submitted by the authors.

Although the reasons behind this increase need to be further investigated, it is possible to highlight that the majority of asylum seekers at the Turin CPR are migrants with Tunisian or Moroccan nationality – predominantly Tunisian, especially in recent years. Of the total number of asylum seekers who applied within the centre, in 2018 Tunisia accounted for 29.3%, Morocco for 20.6% and Nigeria for 14.1%. In 2019, 38.1% of asylum seekers who applied at the CPR came from Morocco, 13.1% from Tunisia and 11.8% from Nigeria. In 2020, 90.9% of asylum seekers applying at the centre came from Tunisia. In 2021, Tunisians accounted for 24%, Moroccans 17.3% and Nigerians 10.6% of applications to the CPR. In 2022, Tunisian nationals accounted for 66.7% of asylum applications lodged at the centre, whilst 11.9% of applications were submitted by Moroccan nationals and 5.9% by Nigerian nationals. The trend seems to follow the overall distribution of detainees along the years taken into account.

Figure 3. Numbers of asylum seekers of the three most prevalent nationalities who applied within the Turin CPR



Source: FOIA request submitted by the authors.

In general, however, Tunisian, Moroccan and Nigerian nationals applying for asylum in the CPR do not represent a large percentage of the total number of nationals transiting through the centre, remaining below or around 10% of the total, with some significant exceptions: in 2020, Tunisian nationals applying for asylum in transit through the CPR in Turin represented 19.7% of the total, rising to 45.9% in 2022. Nigerian nationals applying for asylum under the CPR accounted for 15.7% of the total in 2021 and 20.6% in 2022.

Finally, it is interesting to note that the most represented nationalities of migrants detained in CPRs only slightly overlapped with the number of arrivals in the study period or with the number of asylum applications. Concerning the number of arrivals, according to the data published by the Ministry of the Interior in 2018, the top five nationalities of migrants arriving by sea were Tunisia (5,181), Eritrea (3,320), Iraq (1,744), Sudan (1,619) and Pakistan (1,589); in 2019 they were Tunisia (2,654), Pakistan (1,180), Côte d'Ivoire (1,139), Algeria (1,009) and Iraq (972); in 2020 they were Tunisia (12,883), Bangladesh (4,141), Côte d'Ivoire (1,950), Algeria (1,458) and Pakistan (1,400); in 2021, Tunisia (15,671) was again the main nationality, followed by Egypt (8,352), Bangladesh (7,824), Iran (3,915) and Côte d'Ivoire (3,807); finally, in 2022, migrants arriving by sea were mainly from Egypt (20,542), Tunisia (18,148), Bangladesh (14,982), Syria (8,594) and Afghanistan (7,241).

Regarding asylum applications, data from the National Asylum Commission show that the main nationalities of applicants (from highest to lowest) were Pakistan, Nigeria, Bangladesh, Senegal and Ukraine in 2018; Nigeria, Pakistan, Bangladesh, Senegal and Gambia in 2019; Pakistan, Nigeria, Bangladesh, El Salvador and Tunisia in 2020; Pakistan, Bangladesh, Tunisia, Afghanistan and Nigeria in 2021 and Bangladesh, Pakistan, Egypt, Tunisia and Nigeria in 2022.

These figures show that the detention apparatus targets only a few nationalities of incoming migrants and asylum seekers, especially Nigerians and Tunisians. On the other hand, migrants from Morocco are likely to be detained (and eventually claim asylum) even if they are not among the most represented nationalities arriving by sea or claiming asylum. There is thus a pattern of selectivity by nationality in the process of detention, both for irregular migrants and asylum seekers. As mentioned above, especially since 2020, the year of the Lamorgese reform, the majority of detainees in CPRs – including the one in Turin – were Tunisian, which is also reflected in the number of asylum applications made from inside the centres. At the same time, it is possible to hypothesise that the high number of Tunisian nationals applying for asylum inside the centres is influenced by the difficulties these people face in submitting their applications before entering the CPR (ASGI 2020; CILD 2021).

On the other hand, the low number of detained asylum seekers reveals the high symbolic value of the reforms enacted between 2017 and 2020, which extended the possibility of detaining asylum seekers on arrival for identification purposes and if they are considered a threat to public security. Even when taking into account migrants who are considered a “danger” to public order, it appears that most of them are not asylum seekers, as shown by the relatively high numbers of detainees

which came directly from prison. With regard to the Turin CPR, they constituted 9.6% of the total number of detainees in 2018, and even 53.4% in 2019. The percentage was lower in the following three years, but still constitutes a significant part of the overall number: 18.6% in 2020, 34.4% in 2021 and 24.6% in 2022. Whilst the quantitative data regarding the CPR in Turin cannot be considered representative of a national trend, they nonetheless show that detention centres are continuously used by the immigration law enforcement apparatus as a way to manage the perceived “dangerousness” of migrants on the territory, and thus as a form to social control.

Finally, it should be stressed that there are no clear figures on the (informal) detention of migrants/asylum seekers in hotspots: it is therefore impossible to assess whether they are simply not detained at all, or whether they are detained for an initial, albeit indefinite, period upon arrival.

5. The 2023 reforms and the “war” on migrants

In March and September 2023, the government led by Giorgia Meloni, the leader of the far-right Brothers of Italy (Fratelli d’Italia) party, decided to expand the detention system once again by increasing the grounds for detention of asylum seekers and the length of detention for irregular migrants. The result has been described as “the most ambitious project of isolation and mass detention of third-country nationals in republican Italy” (Veglio 2023).

On the one hand, Law Decree 20/2023 introduced new grounds for detaining asylum seekers: a) those involved in a border procedure with the sole purpose of “ascertaining their right to enter the territory”, b) those who might abscond during the asylum procedure, if detention is the only way to obtain the elements on which the application is based and c) those who might abscond during the process of determining which state is responsible for examining the application, according to the Dublin Regulation. All the new provisions raise significant concerns in terms of the lack of clarity and the broad formulation of the risk of absconding, which may lead to wider discretion for the authorities when applying the measure.

Much of the (academic and public) debate has been centred on a provision of this Decree (Art. 7 bis Law Decree 20/2023) which set out a new type of “pre-entry” detention that can be imposed on asylum seekers in the context of a border procedure, meaning when an asylum seeker is apprehended for “absconding or attempting to abscond” or, alternatively, is found at the border and coming “from a country designated as a safe country of origin”.¹¹ The norm stipulates that “deten-

¹¹ The concept of a “safe country of origin” (SCO) has been extensively applied in the context of asylum procedures in several European Member States. The concept has been used in EU asylum law to refer to countries whose citizens should not, in theory, be granted international protection, since the countries have been regarded as safe by the EU or by its Member States. The concept can refer to “the automatic exclusion from refugee status of nationals originating from SCOs, or it can raise a presumption of safety that those nationals must rebut” (Radjenovic 2024).

tion may be ordered if the applicant has not surrendered his passport or equivalent document or has not provided an adequate financial guarantee”. This last provision was implemented by the Ministerial Decree of 14 September 2023, which set the amount to be guaranteed – by a bank guarantee or insurance policy – in order to avoid detention at €4,938. Finally, the article did not contain any reference to the need to assess the individual circumstances of the case.

Overall, in the absence of a proportionality test and the practical inapplicability of the alternatives provided for in the law, the new law on detention at the border foresees the measure automatically being applied to asylum seekers coming from a safe country. This seems to have been the initial intention of police authorities, who immediately after the ministerial decree was published in September 2023 issued a series of identical detention orders against Tunisian asylum seekers who arrived in Lampedusa and were subsequently transferred to the newly opened detention centre for asylum seekers in Pozzallo, Sicily. According to the new law, detention at the border should take place primarily in hotspots.

Unlike CPRs, whose number and location are listed by the government, these centres are not identified as detention centres; they can be reception facilities which open or close depending on the discretion of the administration. Moreover, the changes introduced by the 2023 law affect the geography of detention in hotspots, allowing these centres to be located anywhere in the country and not just at the border. The legal ambiguity regarding the definition of the centres (whose nature as reception centres or detention centres is permanently uncertain) becomes functional to the “borderisation” of the national territory. As reported by the Association for Juridical Studies on Immigration (ASGI), since the summer of 2023 several hybrid centres have been set up in Sicily (ASGI 2024). They are managed by the Italian Red Cross and could be assimilated into hotspots, but after several months it is not clear whether they will be used as first reception centres or as detention centres. In fact, the full implementation of the system of detention at the border has been significantly hindered by the decisions of the courts responsible for validating the coercive measure, and namely by the decisions of the Court of Catania of September and October 2023 (RG 4285/23 2023; RG 10459/23 2023; RG 10460/23 2023; RG 10461/23 2023).

Under Italian law, administrative detention can be applied by the police but must be confirmed by a judge within the following 48 hours. In the case of detaining asylum seekers, the competent judicial authority is determined by a specialised section of the civil court where the applicant is detained. Immediately after the entry into force of the Ministerial Decree on detention in the context of the border procedure, the Court of Catania was asked to review the measures applied to asylum seekers in the Pozzallo hotspot, and it issued several similar rulings that overturned detention orders on the grounds that they were contrary to EU law. The Court’s decision immediately put on hold the possibility of detaining asylum seekers under the new law. At the time of writing, it does not appear that asylum seekers are formally detained under the border procedure.

The decision to use border detention in September 2023 extensively coincided with a period of significantly more migrants and asylum seekers arriving from Tunisia (Tunisian nationals as well as third-country citizens exposed to deportations and abuses in Tunisia). It was at this time that the government decided to adopt the second reform of the detention system. The explicit aim of the Prime Minister was to send a clear message to those arriving in Italy by sea that they were not welcome and that they would face prolonged detention. Through Law Decree 124/2023, the legislature increased the maximum period of detention to 18 months and modified the rules for the regular review of the legitimacy of detention. Whereas until 2023 the extension of the measure had to be confirmed by a judge every 30 days, the reform requires the judicial authority to review the legality of the detention (i.e. that there are reasonable prospects of deportation) every 90 days.

The decision to extend both the detention and judicial review periods was taken despite a lack of evidence that extending the coercive measure would lead to an increase in the return rate. On the contrary, the data we have analysed shows that more time spent in detention centres is not associated with higher return rates – in fact the opposite is true. It follows that the prolongation of the detention period has other functions than the implementation of returns and that it departs from the “managerial” turn of the “revolving doors” of the CPRs inaugurated in 2020. Once again, it seems that such a provision is mainly aimed at “sending a message” of deterrence to incoming migrants, whilst at the same time it bears punitive implications and, as in the past, it will be certainly perceived by the detainees as a punishment.

Finally, Law Decree 124/2023 symbolically transformed administrative detention into an instrument of “defence” against the threat posed by the uncontrolled arrival of migrants. From this point of view, it is symbolic that the Ministry of Defence has replaced the Ministry of the Interior as the authority responsible for overseeing and building new detention centres, hybrid centres and reception centres (CPRs, hotspots and government centres). This change has practical implications, as under the military law regime construction and renovation works can be carried out outside the general rules of public tendering and urban planning. It could also mean that information and documents relating to the tender procedures could be kept secret under the rules on military property. In practice, all procedures related to the renovation or construction of detention centres will be exceptional and derogate from the normal rules. Together with this, the new provision has a significant symbolic value, since the centres dedicated to the management of migration flows are qualified as “works intended for national defence and security” (Art. 21(3), Law Decree 124/2023).

Conclusion

The article provides a quantitative analysis of the functioning of administrative detention in Italy, comparing data on detainees and returns from a specific detention centre (Turin's CPR) with publicly available data at the national level and combining the empirical analysis with an overview of recent reforms in the field, in order to explore the multifaceted functions of administrative detention in Italy. Given that the research focusses mainly on a specific spatial and urban context – and that the aim of the discussion was to link the findings of the Turin centre to a more general reflection on the evolving functions of detention – the conclusions drawn from the analysis could be considered partial and are intended to be complemented by further research that relates the complexity of each local case to national trends. In this respect, the present article could be complemented by new studies on other spatial dimensions of containment practices in Italy.

Nonetheless, looking at the frenetic legislative output of recent years, including the last two reforms promoted by the Meloni government, we can conclude that administrative detention is increasingly being presented to public opinion as an instrument of control and deterrence against migrants arriving by sea. A strong focus has been placed on asylum seekers, who must be detained before their (legal) entry into the territory, for identification purposes and in any case they are considered a threat to public order and security.

However, the data analysed herein – both with regard to the specifics of the Turin CPR and to the situation at the national level – reveal that *de jure* administrative detention in the CPR is still mainly used against irregular migrants, including those coming from prisons. It may even be the case that some migrants are detained immediately upon arrival, but the available data do not distinguish between a detention measure imposed on the basis of a “deferred” refusal of entry (issued within the first days of arrival) or on the basis of an expulsion order issued against migrants who have been living in Italy for a long time; further research would be necessary to uncover such distinctions. Nevertheless, it is clear that one of the functions of detention continues to be the management of what is framed as “dangerousness”, which is reflected in the relatively high percentage of people who have received administrative removal orders, based precisely on dangerousness, at the end of the period they spent in prisons serving for a criminal sentences.

In addition, the analysis highlights a pattern of selectivity in detention according to nationality, which has been particularly evident since 2020: most detainees (both irregular migrants and asylum seekers) come from a very small number of countries – mostly from Tunisia, even though Tunisian is only one of the main nationalities of migrants applying for asylum. The data also showed that in most cases, the asylum seekers being detained were already in the CPRs under expulsion or refolement orders. Overall, the presence of asylum seekers within the detention apparatus is relatively low compared to the total number of detainees, although there has been a gradual increase in the number of asylum applications

lodged within the centres (including the Turin centre) in 2021 and 2022; again, the increase mainly concerns Tunisian nationals. Finally, the reforms that have increased the length of detention for irregular migrants have not led to higher rates of return: on the contrary, when the length of detention increases, returns are fewer. From this perspective, the latest Meloni reform is not justified on the grounds of efficiency, but rather on the grounds of deterrence (implying a punitive attitude towards those who have not been deterred by the threat of detention).

In light of the above, we can conclude that the use of detention does not meet the objectives set by the law (returning irregular migrants or preventing the risk of asylum seekers absconding). Moreover, the data clearly show that, despite the legislative reforms that took place between 2015 and 2020, incoming asylum seekers have not yet been detained en masse. This gap between the formulation of laws and policies and their actual reality could be related to the current capacity of the detention apparatus, which was 701 places in mid-2023, according to the data published by the National Guarantor (2023).

Against this background, one might ask why the government insists on the use of detention against incoming migrants, particularly asylum seekers. We suggest that the evocative implications of the new law on detention – its narrative component – is key to understanding the recent reforms. As Cetta Mainwaring and Stephanie Silverman theorise, “the theatrics of detention contribute significantly to the spectacle of sovereign control” (Mainwaring, Silverman 2017: 11), whilst the harms of detention and everyday practices remain obscured. Detention is not spectacularised by the Italian authorities per se, but it is presented as a tool of war to contain the threat posed by migrants who dare to challenge sovereign authority across borders.

The fact that detention is not effective (both because it does not significantly increase return rates and because there is no evidence that it has any real deterrent effect) is obscured by the power of the narratives, and it is in line with the attitude of populist parties to reproduce the same discourse from the political to the policy sphere, even if it is divorced from factual and evidence-based elements. Evidence from Italy and the UK has shown that divisive and populist media and political narratives are not “redeemed” when it comes to policy development, but rather that policies incorporate the same narratives used by the media and politicians, embedded in alarmist elements (Boswell, Smell 2023). The fact that Italy is portrayed in media and political narratives as being “besieged” by migrants at its borders makes it easy to present detention as a necessary tool to respond to such an invasion.

From this perspective, the targets of the detention narrative are both the arriving migrants, who are confronted with the threat of punishment, and the national citizens, to whom detention is presented as a necessary means to contain asylum seekers arriving on Italian shores, regardless of its practical effects. Detention, in other words, serves to normalise asylum seekers as the new “appropriate enemy” in the public discourse: they represent a risk because they dared to challenge the border apparatus by claiming the right to enter the territory and seek protection. The use of detention as a “preventive” tool is reinforced in this sense by the fact

that not only migrants with criminal records are considered dangerous, but so too are all those who claim the right to enter and move freely within the territory. In this sense, whilst the police continue to use it as a selective tool to discipline irregular migrants, in public discourse the administrative detention of asylum seekers becomes part of the “border spectacle” (De Genova 2002), a tool used by the Italian government to reaffirm its sovereign power to control the borders.

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