

Conditions and challenges faced by recently arrived immigrants in prison in Italy

As we have outlined in previous articles, people who have arrived in Italy by illegalized means in recent years face a range of administrative challenges in accessing work, healthcare, social services and housing. More often than not from families with little to no income in their home countries, and usually without family or friends in Italy before arrival, immigrants' lack of state and social support not only leads to economic precarity, but also represents an intensification of any brush with criminal law. Even a relatively minor accusation can lead to someone's life being completely derailed, while a more serious one can threaten decades in prison. Very often these are situations that might be resolved more easily for an Italian, or someone with a more stable life in Italy, for the following reasons.



Ucciardone Prison, Palermo; Photo: gnuckx

Many of the people we know in prison are under arrest, i.e. they have still not been sentenced in a trial, or are awaiting decision from an appeal court. They are usually eligible for house arrest, but do not have a stable abode where to serve it. Furthermore, those who perhaps do have a fixed address – or a friend willing to host them – will nevertheless still require economic support while they

are living there. For those who have been sentenced, house arrest can instead represent the first stage in a gradual process of requesting alternative measures to prison, eventually leading to engaging in socially useful work as an alternative. Again, however, without a stable address it becomes extremely difficult to begin to access these measures. This means that immigrants often rely on requests to social and church projects, which have very limited places and often lengthy bureaucratic processes. Serving an entire prison sentence without house arrest (or other alternative measures to prison) means that people are exposed to the full psychological and social trauma of the prison environment, in some cases leading to episodes of conflict or addiction that translate into further prison sentences, creating a vicious cycle of criminalization.

While the above challenge applies to people from low-income backgrounds more generally, other issues are more specific to immigrants. As a rule, Italian prisons lack translation services. The organization Antigone estimates that there is around one translator for every prison in the country, a situation that cannot in any way deal with the range of languages necessary for

translation. This means that people lack the ability to fully interact with the social and education services in prison, as well as the directorship and very often their lawyers. Furthermore, prisoners can also find themselves in institutions in which no prisoner speaks their language either; we have seen this not only with people who speak Mandinka or Hausa (for example) but also English and Arabic. Persons who are also illiterate have even further problems in communicating even with support from outside of the prison, e.g. letters from organizations such as ourselves, and must rely on the intermediation of other prisoners.

The interaction of criminal and immigration law represents a further challenge. Few legal professionals are specialized in both areas, leading to prosecuted immigrants often being badly counseled in ways that represent good advice in relation to criminal law but perhaps not in terms of immigration law. An important example is the range of convictions that label someone as 'socially dangerous' and block the possibility for someone to be recognized as a refugee, as well as other forms of permit to stay. Criminal lawyers who are ignorant of this factor often advise their clients to make plea deals that reduce their sentences but then leave people in a legal limbo in terms of their document status – or worse still, directly into deportation. Similarly, while the label of 'socially dangerous' can be challenged in court, often immigration lawyers are not familiar enough with the details of criminal law, and of their clients' trials, to do this effectively.

A couple of cases to illustrate some of these points:

D. is from West Africa, and arrived in Italy from Libya in 2014 as a minor. He was placed in a reception center in Western Sicily, where he received little support and attention. Once he left the center he found himself on the street, and was easily absorbed into a drug-selling network. After a year in prison, he decided to get his life back on track; for a couple of years he worked as an electrician with a church organization, and lived with his Italian partner and her baby daughter. He remained, however, without documents, largely due to his criminal conviction. One day he went to the police station to complain about the harassing actions of local kids: the police notified him with a prison sentence he still had to serve. His lawyers had failed to communicate the conclusions of the cases to him, citing difficulties in language. After two years he has finally regained his freedom, but is again without documents or a stable job.

M. also arrived in Italy as a minor, and after a few years received the humanitarian status. He was, however, unable to convert or renew this in 2018 due to the reforms introduced by Matteo Salvini. He nevertheless managed to continue his life with small manual jobs. Over the Covid period he lived with his girlfriend in a small, cramped house. They fought often, and M. was physically violent on one occasion. His girlfriend reported him to the police and he was arrested. He was unable to find an abode for house arrest, and passed two years in prison. He was given a light sentence, which he had already served in custody. This meant, however, that he was immediately vulnerable to deportation; his criminal lawyer had failed to make an appropriate request for documents. After 6 months in different CPRs across Italy, he was finally deported – even while his appeal against his criminal sentence is still pending.

In both these instances, these men should have received further support irrespective of the errors that they had committed (selling potentially dangerous substances; patriarchal violence) for the simple reason that the punishments they received from the Italian state were unofficially aggravated by systematic discrimination based on their poverty, precarity and foreignness.

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