

Bank accounts: not even capitalism is for everyone?

The economic life of people who arrived in Europe, crossing borders and using politically criminalised means, is often left out of discussion at every level, or is included in the public debate with the discourse on labour exploitation, or, in case of openly xenophobic rhetoric, in the form of strategies, slyness and with the intention of scam against the Welfare State. Nevertheless, the denial, for asylum seekers and other people without identity documents, of regular access to their economic life in Italy and in Europe represents a very serious and deliberate compression of their freedom, that often translates in a proper denial of human rights, in particular economic rights, protected both at a national and international level¹.



Unsplash, Eduardo Soares

The most frequent situation we witness nationwide is the refusal of banks – mostly of Poste Italiane, the subsidised bank service, thanks to the majority shareholding of the Italian State – to open bank accounts for asylum seekers, despite precedent case law that assesses their full right to open the so-called “conto di base” (basic account).

The episodes that we witness in this context can be represented, even with their differences, by examples similar to the following: let’s imagine an asylum seeker, arrived in Italy in the last five years, who has a temporary residence permit but not an identity document, since the procedure to recognise registered residence, needed to obtain an Italian identity card, follows in Palermo criteria and times that makes obtaining it nearly impossible (see our [precedent article](#) on the topic), and because upon submission of his application for international protection, his passport has been confiscated by the police. A job, other than ensuring economic safety, in this case can also be useful to prove the “integration” in Italian society, to be recognized eligible for a residence permit for humanitarian or “special” reasons (according to the law in force at the moment of entry in Italy). The foreign citizen, if, after huge efforts, should eventually find an employer ready to regularise the employment relationship, would need to give his bank account’s details, with IBAN, as is rightly

¹ E.g. Art. 22 of the Universal Declaration on Human Rights and art 47 of the Italian Constitution.

required to lawfully pay an employee – since the 2018 budget law, paragraph 910², all salaries must be paid with electronic means. Now, the new employee goes to the closest Post office to his home to request the opening of a Postepay account, the most common type of bank account in Italy for people of lower-middle income (19 million accounts³). The Poste operator, however, too often refuses to open the account without an identity document attached to the residence permit. The applicant can try different strategies: explain his situation, present every document in his possession (e.g. the physical paper with the Italian fiscal code, the temporary residence permit, the judiciary papers that attest the ongoing appeal against the Territorial Commission), but almost always in vain. He can then ask to speak to the manager, but will hardly find a paved road. In the worst cases, and unfortunately the most frequent, the account can not be opened, the employer, not able to make a bank transfer, changes the commitment or takes back the offer, the lawyer can not present the “busta paga” (pay check) in court to prove a regular employment relationship and the person is refused any type of residence permit.

Luckily, the epilogue of the story doesn't look like this for everyone; it is unfortunate that there are only a few clerks at Poste– and other banks – that know the solution to this problem. The instrument of “conto di base” (basic account) exists since 2012 – after the financial crisis – and was born exactly to facilitate the economic inclusion of all categories, even the most vulnerable⁴. It was clarified, also in judicial proceedings, that people with low income, pensioners, homeless people, and asylum seekers are included in this category⁵. To go back to our example, the correct procedure would be to set an appointment at the bank, fill in the necessary forms and attach proof of the asylum seeker's status, i.e. a residence permit or its receipt. An identity document is neither necessary nor required. If the procedure is followed in the correct way, after a month the bank card is sent to the postal office, and upon request also the IBAN, that makes the salary's payment easier.

The situation of structural and systemic racism in Italy means that, even being fully informed of one's rights and being able to communicate them to the post office clerk (overcoming, for example, the limited knowledge of vehicular languages often characterizing many postal and city offices), too often people see their rights denied anyway and find themselves forced to ask for support, and sometimes the physical accompaniment of a social worker to the post office, or even a letter signed by their lawyer.

Let us conclude with an observation about a more recent situation, that in the last months has been often reported to us by people with Nigerian citizenship, which have been refused the possibility to open any type of bank account – even when in possession of an identity document – *precisely on the basis of their nationality*. This change is due to the use of the Anti-money laundering directive⁶, which falls within the context linked to problematics and mechanisms of economic fraud carried out with operations based in Nigeria. While it must be recognised that fraudulent schemes have a long story in modern Nigeria⁷, denying and hindering the access to economic life of the entire population with Nigerian citizenship present in Italy, without personal and individual motives, undoubtedly represents a *de facto* discrimination. We know that the Postal service holds that Russian citizens

² <https://www.altalex.com/documents/news/2017/12/30/legge-di-bilancio-2018-co1000>

³ <https://www.posteitaliane.it/it/comunicati/posteitalianeoltr-1476488445147.html>

⁴ Art. 12 of decree law n. 201/2011 (“Salva Italia” decree).

⁵ e.g. Tribunale di Roma, ordinanza ex 700 del 26 gennaio 2021.

⁶ Decree law 125/2019.

⁷ See Stephen Ellis, *This Present Darnkess*.

should also be refused the opening of bank accounts in the first place; it is not clear whether the reasons are again about money laundering or linked to the ongoing war.

Despite the fundamental work brought on since almost two years by ASGI (Association for Juridical Studies on Immigration) about the reports, aimed at legal help, violations continue⁸ and won't stop, just like our remarks and complaints.

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Translated from Italian by Rossella Ferrara

⁸ <https://www.asgi.it/notizie/poste-italiane-nega-lapertura-delle-postepay-ai-cittadini-di-nazionalita-nigeriana/>