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# **Beyond Post-national Citizenship: An Evaluation of the Experiences of Tunisian and Romanian Migrants Working in the Agricultural Sector in Sicily**

## **Abstract**

To further advance the literature which contests the shift from national to post-national citizenship, the aim of this paper is to compare the experiences of two groups of migrants to reveal how national immigration policies remain influential and determine the employment and living conditions of migrants. Reporting evidence from Italy on the different experiences of non-European Union (Tunisian) and European Union (Romanian) migrants employed as seasonal workers in the agricultural sector in Sicily, the finding is that the degree of exploitation they witness in their working conditions is shaped by their citizenship entitlements. The outcome is that it is revealed that (European Union) citizenship status, rather than formal employment, provides greater belonging and security to economic migrants.

## **Introduction**

Contrary to the claims that post-national forms of citizenship and universal individual-based rights are emerging (Soysal 1994; Jacobson 1996; Yuval-Davis 1999), there is a growing body of research that national citizenship and state-based conceptions of rights are very much the lived experience for many migrants (Bloemraad et al., 2008; Hansen, 2009; Nash, 2009). In this paper, the intention is to further contribute to this contesting of post-national citizenship by examining how national immigration policies national citizenship status remain influential determinants of the employment and living conditions of migrants. To display this, we here provide an in-depth examination of the varying lived experiences of non-European Union (Tunisian) and European Union (Romanian) migrants in Italy employed as seasonal workers in the agricultural sector of Sicily.

Firstly, the recent conceptualisation of citizenship and entitlement to rights as a post-national matter will be reviewed along with the critiques that have emerged that this might not fully reflect the lived experience for migrant workers. Secondly, the case of Italy will be reported to start to reveal the way in which national citizenship and state-based rights remain important. Thirdly, this will be followed, by the results of an in-depth study of the lived experiences of non-European Union (Tunisian) and European Union (Romanian) migrants in Italy employed as seasonal workers in the agricultural sector of Sicily. The outcome will be a call to transcend the notion of post-national citizenship by recognising not only how national immigration policies influence and determine the employment and living conditions of migrants, and but also how it is citizenship status, rather than formal employment, that provides economic migrants with a greater sense of belonging and security.

This paper thus advances knowledge on the contingent nature of citizenship by responding to the dearth of detailed contemporary empirical research on the importance of citizenship in the lives of migrant workers. By comparing the different experiences of Romanian and Tunisian migrant workers working in the Sicilian agricultural sector, the original and significant finding is that citizenship influences migrants working and living conditions more than employment status, as witnessed by the fact that EU member state migrants, even when they have informal contracts of employment, have greater security and better working conditions, than those witnessed by third country migrants who have formal work contracts.

## **Beyond post-national citizenship**

With the emergence of supra-national human rights institutions, such as the UN (1945) and the European Court of Justice (1952), documents such as the UDHR (1948) and international conventions including the International Convention on the Protection of the Rights of Migrant Workers and Members of Their Families (1990), a view has emerged that these signal a shift from a 'state-based' to a more 'individual-based' universal conception of rights, and from national citizenship to 'post-national' citizenship (Soysal 1994; Jacobson 1996; Yuval-Davis 1999). As Soysal (1996) seminaly argued, national citizenship has been increasingly eroded and there has been a shift towards a more global model of membership embedded in universal ideas of human rights. The result has been a stream of literature which has argued that in western countries, immigrants now enjoy civic, social, and in certain nations, political rights even without legal citizenship status, and can access other important social services such as education, welfare, health insurance and unemployment benefits due to their residency status (Basol, 2004; Bloemraad, 2000; Sassen, 1996; Soysal 1996).

However, other scholars have adopted a more negative view pointing to the limited extent to which post-national forms of citizenship and universal individual-based rights have been implemented in practice (Hall and Held, 1990; Schuster and Solomos, 2002; Turner, 1993a; Winer, 1997). On the one hand, it has been argued that although there exist International Conventions, and the United Nations ILO have made recommendations to countries regarding reasonable living wages, equality, as well as decent living and working conditions, these are not mandatory in nature (Canefe 1998) and have been only signed by a limited number of countries (Castles and Davidson 2000).

On the other hand, it has been argued that although migrants in many countries have indeed achieved certain legal rights in line with the moral principles set out in these international conventions, the main limitations of the 'post-national citizenship' thesis are two-fold. Firstly, it underestimates the role of the nation-state's control over citizenship and how even if citizenship has been increasingly based on some universal principles and rights, access to them is rigorously based on nationality (Castles and Davison, 2000). As Kofman (2006, 464) argues, 'despite the discourse of international human rights and its application to a growing number of fields, the nation-state continues to frame the exercise of citizenship and difference for migrants'. Secondly, the post-national citizenship thesis fails to recognize that not all citizenship rights can be accessed by all migrant workers (Hall and Held, 1990; Winer, 1997). As Schuster and Solomos (2002) argue, post-national citizenship theory has tended to focus largely on legally settled migrants and fails to consider the rather different realities witnessed by asylum seekers, the undocumented and those with more precarious statuses such as seasonal workers.

Indeed, examining migrants engaged in temporary and seasonal work arrangements, there has been emerging recognition that their temporary work status can result in only partial access to economic, social and civil rights. As Kofman (2006) reveals, temporary and seasonal work status can be used by national-based immigration legislation to obstruct access to full citizenship, which generally requires continuity of residence, especially for lower-skilled labour, who are often viewed as more likely to create welfare problems and are in competition with local labour. Therefore, policies tend to make it very difficult for such migrants to move from temporary to longer-term work and residence permits. Migrants on seasonal and temporary work contracts, moreover, often witness various forms of human rights violation regardless of the existence of laws to protect them (Stasiulis and Bakan 1997), resulting in what Balibar (2004, 40) terms 'structural violence' against them in terms of their denial of citizenship and rights. As a result, citizenship has been viewed not as a status but as a practice involving negotiation over access to and the exercise of rights (Basok, 2004; Isin, 2000; Stasiulis and Bakan, 1997).

Viewed through this lens, citizenship is a double-edged sword with favourable consequences for those included, who are bonded together under a privileged umbrella of rights and advantages, and unfavourable consequences for the excluded, who witness a restrictive and often punitive system. For Schuster (2003), this is a result of the clash between universal principles and state interests to preserve national identity, which affects in different ways the diverse forms of migration (labour, family and asylum). Nation states tend to filter ‘wanted’ from ‘unwanted’ migrants by classifying, selecting and stratifying them into different migration groups, each with different ‘qualifications’ required for gaining access to rights (Schuster 2003). As Anderson and Ruhs (2010, 30) explain, ‘In most wealthy countries immigration policies are characterized by a plurality of status. Each status (such as work-permit holder, student, working-holiday maker, and dependent) is connected with different rights and restrictions in and beyond the labour market’. Nash (2009), similarly, points to how ‘actually existing’ cosmopolitan citizenship has led to a proliferation of status groups that have resulted in inequalities. The exercise of human rights, therefore, is compromised by conditions and changes dictated by national immigration regimes, challenging the universal nature of human rights, and showing how immigration regimes and citizenship systems act in highly particularistic and discriminatory ways.

For economic migrants for example, employment rights are the main entry door for them to be able to gain access to human rights and enjoy the provisions offered by national welfare states, such as housing, education, health care for themselves and their family members (Ciupijus 2011). Therefore, a stratified and constraining immigration regime can undeniably create obstacles to access rights and provisions. This, as will now be shown, can be demonstrated through empirical investigations that reveal the tangible ways in which the application of immigration regimes and citizenship entitlement result in different rights and entitlements for various migrant groups, thus calling into question the post-national citizenship thesis. To show this, we here focus upon how this operates in one particular country, namely Italy, and compare and contrast the different experiences of two groups of migrant farm workers in Sicily, namely Tunisians and Romanians, to reveal the contingent nature of citizenship entitlements and rights.

### **Towards a contingent understanding of citizenship and rights: examining the lived experiences of migrant agricultural workers in Sicily**

In Italy, akin to many other countries, access to citizenship and employment rights for migrants is strongly linked to their immigration status and for labour migrants to their employment contracts. Indeed, in the current neoliberal era, where flexible and insecure employment is growing, there are weaker trade unions (Gumbrell-McCormick and Hyman 2013) and a deregulation of labour markets (Bauder 2006), the “contexts of reception” (Portes and Rumbaut 2006) for new migrants have changed compared with previous eras. Indeed, the presence of migrants has arguably helped legitimate the restructuring of the welfare state and been strategically used to enable neoliberal states to differentiate between what Schierup and Castles (2011) term the “deserving” and “undeserving” poor. These transformations, together with controversial nation-state immigration policies and the decline of controls on the conditions of employment by government authorities, have created conditions of vulnerability and social exclusion that have left space for the growth of exploitative work practices by not only unscrupulous employers, but also gang-masters, people smugglers and recruitment agencies (Shelley 2007).

When these trends are combined with the denial of citizenship and labour rights to migrant groups, the affect is to condemn them to segments of the labour market dominated by low wages and poor working conditions (Bauder 2006). As Bourdieu (2002) puts it, with the

exclusion of the majority of migrants from the citizenship regime and labour rights, they become a “global reserve army of labour” (Bourdieu 2002) and the ideal emigrant worker constructed as “disposable, temporary, single, with no families and no social protection” (Bourdieu 2002, 40). Given that the majority of the migrant population around the world, particularly in the wealthiest countries, carry out unskilled and semi-skilled jobs that native people try to avoid, these migrant groups witness higher insecurity and vulnerability than other population groups (Wickramasekara 2008). Indeed, migrant workers are particularly concentrated in certain sectors, including agriculture, construction and the domestic service and hospitality industries (Allasino et al. 2004; Shelley 2007).

Moreover, examining migrant labour employed in the agricultural sector worldwide, the general picture that emerges is that they suffer exploitative work conditions, informality, low wages, poor accommodation and high flexibility (Cole 2007; Galesi and Mangano 2010; Hartman 2008; Hoggart and Mendoza 1999; Hönekopp 1997; Kasimis, Papadopoulos and Zacoboulou 2003; Mangano 2009; Pugliese 1993; Rogaly 2008; Shelley 2007). As Rogaly (2008) points out, it is not uncommon in agriculture for employers to take advantage of their migration status and low language proficiency to employ them under exploitative conditions. Indeed, some migrants work under conditions of forced labour, which the ILO Forced Labour Convention, 1930 (No. 29) define as: “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily” (ILO, 2006).

In Southern Europe more particularly, the use of migrant labour in the agricultural sector has increased dramatically (Reyneri 2004), especially in greenhouses, intensive animal farming and stock-raising. Indeed, in the Mediterranean, many migrants are often employed in agriculture on an undeclared basis and without formal contracts, particularly those without documents and therefore unable to get a regular job (Reyneri 2004). This is especially the case in small farms in Southern Europe who are unable to invest in innovative labour-saving technologies and survive only by lowering labour costs by engaging migrants in the informal economy.

Indeed, this is particularly the case in Italy, where a large pool of migrant labour, often informally recruited, low paid and (sometimes) poorly treated, enables many agricultural producers to remain competitive. In the 1950s when production in greenhouses was first used, it was often family members and local people who supplied the labour. Today however, foreign workers predominate and are vital for the survival of the sector. In the particular case of small- to medium-sized farmers, these workers are often not paid the minimum wage even when they do have a permanent employment contract or an ‘ingaggio’ (engagement). To explain, in Italy in the agricultural sector, the state has implemented a regulation that allows natives and European workers to access social provisions by simply being registered as a worker on a farm. This ‘ingaggio’ is not a full employment contract but a form of daily collaboration with the farm. This means that each worker will be paid based on the number of days that s/he has carried out work and will access some social security provision only if s/he has accumulated 122 days of work over a period of two years. Due to the seasonality of the work, to possess this ‘collaborative’ position on a farm allows workers to access some form of social security in terms of unemployment compensation for the period of inactivity and family allowances calculated for each dependent child provided from the Italian state. However, this form is easy to counterfeit for farmers who do not want to fully declare their production and also needs to be renewed annually by the employer, which means that workers accept to work harder and longer hours in order to ensure that the employer renews their ‘collaboration’ for the following season.

For agricultural employers in the greenhouse sector in Sicily for example, the need for savings on labour costs is also driven by their customers (Cole 2007). Larger growers sign

hard-won contracts with retail distributors to serve North Italy and the rest of Europe, while smaller growers sell their crops to local and regional retail markets (Cole 2007) where local corruption dictates products' prices and controls the payment flows from the retail market back to farmers. In these problematic supply contexts, migrants have become a crucial labour resource to reduce production costs.

To begin to move towards a more contingent understanding of citizenship and rights that recognises the nuances of the citizenship statuses and rights of different groups of migrants, a study was conducted in Italy in 2012 of the different experiences of non-European Union (Tunisian) and European Union (Romanian) migrants employed as seasonal workers in the agricultural sector in Sicily. Firstly, this sought to explore how the European citizenship status held by the Romanians affected their living and working conditions and whether it helped them exercise their employment and human rights and secondly, to compare their experiences with non-European Tunisian agricultural workers in the same industry in terms of accessing social provisions and security, along with the main struggles faced by these non-European workers, how they deal with the restrictions placed upon their living conditions by the immigration regime that operates, and whether it is valid to discuss a form of post-national citizenship for these workers.

Tunisian migrants have been engaged in greenhouse production in Southern Sicily since the 1980s. Indeed, by 2002, the Tunisian community at 10,956 people was the largest foreign population in Sicily, whilst the Romanians population was the 13<sup>th</sup> largest with 840 people. By 2011, Romanians had become the largest foreign population and outnumbered the official Tunisian community (the second largest group) by 21,843 people (Nerozzi 2011). The way in which Tunisians have gained entry to employment opportunities in the greenhouse sector is mainly through transnational social networks developed in the sending country, such as kin, friends and acquaintances, who now work in Italy and arrange employment for them. For Romanians, meanwhile, are recruited either based on social networks developed in the receiving country with existing Romanian migrant farm workers or more casually from defined places, such as local squares and petrol stations.

To investigate their contrasting experiences, firstly, 26 semi-structured interviews were conducted with migrant farm workers, namely 12 Romanians (six men and six women) and 14 Tunisians (twelve men and two women) and secondly, a period of observation was undertaken at the mobile clinic of EMERGENCY NGO and the immigration office of one of the main trade unions in the city of Vittoria in Sicily. This research was conducted in four neighbouring locations - Vittoria, Santa Croce Camerina and Scoglitti e Macconi – where greenhouse agricultural production is concentrated. Given the undocumented status and/or undeclared work status of some of the populations under study (Pope, van Royen and Baker 2002) and thus the sensitive nature of the topic (Murphy and Dingwall 2003), participants were sourced through a non-probability snowball/opportunity sampling method (Silverman 2010) and pseudonyms are here used. This choice was made purely for practical reasons, given the flexibility of this method and how opportunism is one of the few possibilities available for sourcing participants, which mostly occurred via firstly, a trade union office which regular and irregular migrants visit for bureaucratic reasons, secondly, the Italian NGO EMERGENCY mobile clinic that brought health care to the more remote areas where irregular migrants live and third and finally, a local church providing services such as a daily canteen, accommodation and educational courses for migrants. Although the generalisability of the sample may be questioned, this was the only available avenue to source participants and research on this sensitive topic could not have been conducted in any other manner.

There were also difficulties involved in interviewing participants on this sensitive topic. In everyday life, questioning friends and family regarding their wages, employment conditions and living standards is sometimes considered rude. Approaching strangers and

inviting them to talk about their personal and working conditions while being recorded is not therefore straightforward. Add to this that most worked in the informal economy, without legal contracts and sometimes with an irregular immigration status complicated the picture even more. Similarly, interviewing employers recruiting informal workers was not easy, and neither was talking to trade unionists helping irregular migrants, who risk accusations of aiding and abetting irregular immigration. Consequently, during the course of the fieldwork, there was a need to be careful, prudent and sensible, particularly with regard to ensuring the protection of the participants' anonymity and persuading interviewees about the confidentiality of the interviews. Here, the experiences of each migrant group are considered in turn.

### *The lived experiences of new European citizens: Romanian workers*

As newly European people, Romanians can freely reside in Italy without necessarily holding a work contract, because of their citizenship status. However, until 2014 (albeit 2012 in Italy), citizens of the A2 Countries (namely Romania and Bulgaria) had only restricted access to the labour market except for highly skilled managerial roles or to labour in sectors such as agriculture, construction, domestic and personal services. This severely limited their labour opportunities. The highly demanding nature of these forms of work and the fact that they could reside in Italy without holding a work contract, meant that they could easily be employed on undeclared work contracts by agricultural employers seeking to reduce labour costs.

Indeed, examining the labour experiences of the 12 Romanian workers interviewed, nearly all these seasonal workers had an 'ingaggio' (engagement) contract, although all were paid below the minimum wage and none had an official permanent work contract. Despite the absence of employment rights guaranteed by a legal contract, however, in many cases, the overall work experience was not viewed in a negative light by many of these participants. Rather, some participants declared themselves to have a friendly relationship with their employers and felt very satisfied with their informal work arrangements. For instance, Donna, a working 45-year-old single parent of one daughter, said:

'... it is a friendly relationship, honestly. Not only with him but also with his family. Sometimes we even eat together; a friendly relationship. Sometimes he makes homemade pizza and we eat together or sometimes we go out together. If I need to do something or if I need to go shopping it is not a problem, he will take me to town'.

Similarly, Andrey, a 51-year-old father of four, reported that he received similar treatment from his employer:

'... I can't find the words to describe my employer, he is a very good person, very good. He more than respects me ... let's say that we are friends. Friends as it can be between employer and the worker, but he never makes differences, he never has made me feel different because I am Romanian and he is Italian ... Always when I needed something he is available. He never said no. But also his brother, wife, mother ... all of them if I need something they will help me... I never had problems, nothing, never... For me they are good people. For me, yes'.

Silvia, a 51-year-old mother of two adolescent children, also comments on her relationship with her employer and her work conditions in a positive light as follows:

‘We have got a relation of great friendship and respect... I have succeeded to negotiate my work conditions. I did. We mutually agreed on the conditions, even if there is still not a contract but soon there will be one. There have been not the [economic] conditions ... but I am happy. I have got paid holidays and I don’t pay any rent. I don’t even pay food because we eat what we’ve got here...we are like a family’.

These three accounts show that, even in the absence of employment rights guaranteed by a legal contract, these migrants viewed the work experience as favourable to their well-being. These migrant workers also had quite a clear understanding of their work arrangements and felt that they had some negotiating power over their work conditions. Donna, for instance, set the price for her work day while Silvia has negotiated some paid holidays. However, all three worked and lived on the farm, which means that they are heavily dependent on the employer, which might be seen as a method of exercising power over workers. The apparently favourable conditions they all express are actually basic entitlements such as the right to be treated equally to others and the entitlement to paid holidays, which displays their limited expectations about their working conditions and how when they receive such entitlements, they are viewed as favourable conditions of employment.

The Romanian migrant workers who lived off the farm however, have quite different perceptions of their work conditions. All these participants view their employment as challenging and foregrounded the lack of respect from their employer for their human dignity. Two such people are siblings, Marin, 31 and Sorin, 33. They had asked for higher wages to pay for their living expenses off the farm and had asked for ‘ingaggio’ (engagement) positions from their employer. Marin said:

‘With the employer I think there should be respect, I think there should be. But you must attain it, because if you don’t do anything to achieve it they will always think about their business first ... in fact I have never had problems at work because I always ask for the *ingaggio* even if you get less money [compared to the formal contract]... in fact if I get problems and I am engaged I go and report him. Because it is my money and I am not on my own. I have got my wife and my daughter, so ...’

Marin thus affirms the idea that respect in labour relations is not something that can be taken for granted. Instead, it is a necessity for the worker to fight to attain and so that they are not reduced to a mere means of production that only boosts the employer’s profit. However, as a European citizen, Marin can negotiate at least the engagement position with his employers, which guarantees some institutional protection and puts a modicum of legal power in the hands of the worker. It provides some legal protection and access to unemployment allowances and family benefits. However it does not guarantee the same social security and juridical protection of a formal contract and needs to be renewed every new production season. Therefore, even those workers with an *ingaggio* are vulnerable to the employers’ power to withdraw from their commitment to the workers. Moreover, when Romanian workers do not succeed in negotiating the renewal of their engagement position, they can encounter severe forms of exploitation and disrespect. In this regard Sorin said:

‘Two years ago I almost had a fight with an employer. I worked there for two months and he didn’t even [legally] employ me. And then while I was working he kept talking like: work faster! Get the work done!... He wanted to force people to do more and then he started to speak badly to me ... And [I said] to be careful with his words because we were all men there, there is no difference between us ... I said: You may

have a bit more money than me but you are still a man like me ... If you say that I am your slave you are more slave than me because you must have respect for people that you need.'

In this instance, Sorin was recruited as an undeclared worker and did not receive any legal contract or *ingaggio* position. Indeed, this example displays how, in the absence of legal requirements, employers can attempt and succeed in exploiting and abusing workers while workers struggle to defend their rights. In fact, Sorin highlights his need to counterbalance the employers' power to exploit him as a worker, by reaffirming his idea for the respect of people's dignity, both as a human and as a worker and not just as a means of production. For such European citizens, their opportunity to negotiate at least the *ingaggio* positions has proved to be significant in securing at least some minimal entitlements because they can access some form of protection in the case of employment rights violations. This, as will now be shown, is not the case with the non-European migrants.

### *The lived experiences of documented migrants: Tunisian workers*

In the case of non-European citizens such as the Tunisian workers who have since the 1980s worked in the Sicilian agricultural industry, the *ingaggio* position is insufficient to enable them to reside regularly in Italy. Therefore, they arrive with a formal work contract which is usually pre-arranged by friends or family already in Italy. This was the case for one young Tunisian man Farhat, 28, who had joined his older brother to work inside the greenhouses. Later he started to work at the local agricultural retail market for the same employer. The employer provided him with accommodation which was, in this case, a small stockroom with water and electricity:

'I have got a regular contract but in the contract it is written to work only from 6.30 in the morning until 12.30 in the afternoon. The same time as the market. But me, when I work a half day, he sends me to work in his greenhouses ... the Italians [colleagues] go to the beach and he sends me to the greenhouse. I don't know what he thinks, but he definitely does not think that I should rest sometime ... one here works like a slave'

A regular work contract is the only way to be legally considered as a formal worker for non-European people; yet this is often used by employers as a form of blackmail to force these migrants to work long hours. Farhat clearly states that he feels enslaved by his employer and finds it very frustrating to be treated differently in terms of his work conditions compared with his Italian colleagues. Although he has got a similar regular contract to them, his working conditions are very different, and he feels reduced to a purely working life and a piece of human capital, even being denied suitable rest periods.

Another formally employed Tunisian is Omar. He is a 56-year-old father of six children and has been working for almost two decades in the Sicilian agricultural sector. He is struggling to maintain his formal work contract that will enable him to maintain his documented immigration status. Just like Farhat, Omar sadly represents another example of how these migrants are viewed as little more than means of production and are reduced to being a 'work tool' by the employer:

'In any case, you always do more than eight hours a day. Sometimes 12, sometimes 13 or 14... Even if you do 12 hours and he paid you less he is still not happy. 30 euros per twelve hours and he is still not happy!... Sometimes I cannot breathe because

inside the greenhouse the air is too hot. When you always breathe hot air your head spins and you lose your balance. Some employers do not allow you to even get your head out to breathe some fresh air for a minute. He is worried for the illnesses that the tomato plants can get so the webs are always closed. Let's say that the plant is worth more than a person ...'

This account suggests that for some employers, the consideration of their workers does not stray far from the perception of having a mere tool of production, a work instrument to who they can even deny vital human needs. Indeed, this is reflected in the employers' lack of recognition of these Tunisians religion. As one employer stated, 'Tunisians choose to pray at ten o' clock in the morning when I need to harvest...others do not do that...they do not annoy me'. Jamel, a young Tunisian man, clearly expressed the problems that result:

'During work I am not allow to stop and pray. No. I pray in the morning, then at 12 (lunch break) and then for the other I cannot stop because I have to work. So I do it when I finish work. However, if you know Muslim people, it is extremely important to pray on time for God. But God said if you work it is ok, pray after work. For the employer it is not right if I stop. So, me, as Muslim, I say "ok, it is not a problem"... it takes five minutes to pray and I cannot stop ... I only need two minutes to wash myself and three minutes to pray but I cannot stop'.

However, the need to keep a regular work contract and their immigration status constrains workers from expressing resentment about their working conditions.

Another example of a Tunisian migrant on a formal work contract who feels mistreated and seemingly unrecognised as a human being in the workplace is Toufie. He is a 36-year-old father of three that, notwithstanding his legal status in Italy, has collected a series of misadventures by working for fraudulent employers in exchange for a formal work contract:

'Once, one of the many employers that I had, for two months he only gave me 50 euro a week and then when at the end [of the harvest] he was supposed to give me the rest he started to say that there was no money because the market did not pay him. I gently asked him to pay me and he promised that he was going to do it a week later ... after that week he did not give me either money or the official days [useful to receive the engagement benefits]. Instead, he started to say that he never worked with me. I said 'Ok there is God in life. I have got a family and you are saying that you have never seen me. Ok, life is long. I will see you later' and I left him without being paid two or three hundred euro ...'

Such a withholding of wages is a clear indication of forced labour according to the ILO (2006). Although formally employed migrants are in the position to ask for legal help from institutions such as the trade unions or the Labour Inspectorate Office, often the fear of losing their work contract and, therefore, their documented immigration status, prevents even formally employed documented migrants from asking for institutional help. This situation contributes significantly to the under-reporting of instances of labour abuse and exploitation among formally employed migrant workers. Family concerns are also very important factors that further prevent these 'breadwinners' from complaining and lead them to comply with exploitative work conditions and various other abuses in the workplace. They have to support their families. Although he is a legal migrant and formally employed in Italy, Toufie above

reveals the very real vulnerabilities and sense of powerlessness many witness in terms of their employment conditions.

*Romanian and Tunisian farm workers: towards a contingent understanding of citizenship and rights*

Many of the above accounts of the working conditions suffered by these migrant workers **display** violations of employment rights and represent **examples of** forced labour as defined by the ILO (2006). However, rather than dichotomously define the work of these Romanian and Tunisian migrant farm workers in a dual manner as either forced or free labour (O'Connell Davidson 2010; Phillips and Mieres 2014), these accounts of their work experiences reveal a need for a more nuanced positioning of these migrant workers on a continuum with wholly free labour at one end and entirely forced labour at the other, and a range of employment relations based on varying degrees of exploitation in between.

Although all participants experienced varying degrees of labour exploitation, the Romanians with a stable immigration status as European citizens, have greater ability to benefit from the work arrangements and can access forms of social protection even without a full work contract. Comparatively, non-European Tunisian migrants must undergo severe forms of exploitation in order to keep a full work contract and therefore a more stable immigration status. Putting side by side the experiences of these Romanian and Tunisian migrant workers, therefore, it appears that holding a European passport and being allowed to reside in Italy without a work contract, de facto creates more favourable work conditions for Romanian farm workers but employers also seem to benefit to a greater extent from employing such workers, manifested in a fall in the Tunisian population from 10,956 in 2002 to 6,984 in 2014 (ISTAT, 2015). Firstly, the employers see this new labour force as much easier to employ given the existence of the *ingaggio* (engagement) system, lower labour and administration costs, and risks compared with informally recruiting non-European workers. On the other hand, Tunisian migrant workers struggle even to gain and maintain a formal written employment (see Phillips 2013) and are pushed into more exploitative work arrangements (Dwyer et al. 2011). In fact, Tunisian migrants although enjoying a regular immigration status, still find themselves exposed to extreme forms of labour exploitation akin to forced labour and in many cases are blackmailed by their employers and forced to carry out extra work in order to keep their work contract. There is thus a clear detrimental effect of non-citizenship for these Tunisian workers in that, even after years of living and working in Italy, they still need to rely on the renewal of their work contract annually to legally reside in the Italian territory and to continue to live as 'included' and not as 'excluded'. Therefore, citizenship status shapes the experiences and opportunities of migrant workers, as previously shown in a study of Romanian and non-EU workers in Spain where 'Romanian workers have a greater ability to leave unsatisfactory work situations and move on, to change occupations, and to pursue different strategies to gain working rights' (Hartman 2008, 498).

Moreover, this study of Romanian and Tunisian migrant farm workers in Sicily supports the view that there are different 'restrictions' on migrants' rights, implying a stratified system of socio-legal entitlements (Dwyer et al. 2011), which supports the view of a 'hierarchy of vulnerability' (Gubbay 1999) and results in varying levels of exploitation in the labour market for different migrant groups. In this study, an unstable legal immigration status or being illegal is highly correlated with severe forms of vulnerability to labour exploitation. Preibisch (2010, 406) explains such immigration restrictions as a way of producing through immigration laws a supply of labour for precarious employment. Indeed, Phillips (2013) uses the concept of 'adverse incorporation' to explain how migrant workers are negatively included in the socio-economic system through exploitative and precarious work positions

where their vulnerability and poverty tends to be produced and reproduced. According to Kofman (2006), this happens because in more advanced countries, states have pursued a ‘managerial’ logic when dealing with the issue of immigration. This has selected people based on their beneficial effects and has tried to do so even when considering forms of migration covered by normative principles such as family migration, asylum and refugees. Following this managerial approach, states have thus created a complex system of civic stratification (Kraler 2010) where different categories of migrants and asylum seekers and refugees have different restricted access to rights. In this regard, Anderson (2010, 301) argues that:

‘[T]hrough the creation of categories of entrant, the imposition of employment relations and the construction of institutionalized uncertainty, immigration controls work to form types of labour with particular relations to employers and to labour markets. They combine with less formalized migratory processes to help produce “precarious workers” that cluster in particular jobs and segments of the labour market’.

Similarly, Lewis et al. (2014) highlight that migration processes are thus based on restrictions that by definition result in migrant groups being exposed to severely exploitative employment conditions. This therefore helps understanding of the conditions suffered by migrants and how different working conditions and outcomes are associated with their immigration status (their terms of inclusion) and their right to reside, work and access to welfare (Dwyer et al. 2011). It also helps reveal the unrealistic perspective of scholars who believe in the existence of forms of post-national citizenship that provides opportunities to all migrant workers to enjoy social, civil and political rights. This wholly underplays the stratification effect of national immigration legislation on the experiences of migrants and fails to recognise the involvement of a large portion of migrants in temporary work positions particularly in the informal and semi-formal economy. The net result is to ignore the lived experiences of many migrants, as shown in this study of the working and living conditions of both Romanian and Tunisian migrant farm workers.

## **Conclusions**

The aim of this paper has been to better understand the role played by citizenship and immigration status in shaping the everyday work and living experiences of migrants by firstly evaluating critically the view that citizenship and human rights is a post-national matter and showing that this underestimates the contingent nature of citizenship entitlements and its effects on the exercise of basic human rights. It has then explored the relationship between citizenship/migration status and vulnerability to labour exploitation by systematizing the everyday experiences of the participants on a continuum of labour exploitation (Shelley 2007). This has revealed how citizenship entitlement (or the lack of it) is a crucial factor which shapes and differentiates the labour market experiences of Romanian and Tunisian migrant farm workers in Sicily in terms of their level of vulnerability to labour exploitation. Immigration laws do not simply decide who is welcome and who is not, but also structure and stratify the vulnerability of different groups of migrants by assigning them to different levels of precariousness, ranging from ‘illegality though permanent temporariness, transitional temporariness, and permanent residence to citizenship’ (Macklin 2010, 332).

Although this study thus finds that all the migrant workers participating in this study have been subjected to exploitative working conditions, the level of their exploitation is very much shaped by their immigration status and citizenship entitlements. As a result of their

European citizenship status, Romanian workers have greater negotiation powers over their labour conditions, partial access to social protection through the *ingaggio* position and, altogether, more institutional protection in cases of withheld payments or abuses. On the other hand, regular Tunisian workers suffered more exploitative work conditions from their employers in exchange for a formal work contract. Moreover, they tended to avoid asking for legal help so as not to risk losing both their formal employment contract and regular immigration status. This is detrimental for the Tunisian workers in that, even after years of living and working in the country, they still need to rely on the renewal of their work contract to legally reside in the Italian territory and to continue to live as ‘included’ and not as ‘excluded’.

Overall, therefore, this study reveals that the post-national understanding of citizenship is unrealistic and misleading as the exercise of rights can be easily compromised by conditions dictated by national immigration regimes. Through the accounts of Tunisian and Romanian farm workers in Sicily, **this paper has clearly displayed not only that national immigration policies influence and determine the employment and living conditions of migrants, but also importantly, how it is citizenship status, rather than formal employment, that provides economic migrants with a greater sense of belonging and security.**

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