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Between routine police checks and ‘residual practices of expulsion power’: the impacts of the Anti-terrorism law on phone centres and the resistance of owners. An Italian ethnography in the ‘emergency season’.

i. Introduction

Since 9/11, enforcement officers in many EU countries have made extensive use of anti-terrorism preventive powers by carrying out repeated identity controls targeted at people they presumed to be Muslim. Individuals were frequently stopped in the streets, as well as in places considered to be likely terrorist targets, such as metro systems, train stations, commercial centres, predominantly Muslim neighbourhoods, halal restaurants and mosques (Open Society Institute, 2009).

In 2005, investigations into terror attacks in London and Madrid, lead to the arrest of a terrorist who was caught in a phone centre in Rome¹. Following this, the Italian government decided these shops were to be monitored. Anti-terrorism law 144/2005² introduced specific requirements for the management of phone centre shops, requirements which were unique to Italy. It was made compulsory for owners³ to obtain police authorisation to operate their business. In addition, article 7(4) required customers’ operations be monitored and their personal data stored⁴. It also allowed for the preventive acquisition of records of the ID of individuals using unmonitored public

¹ La Repubblica. Preso a Roma il quarto terrorista delle bombe del 21 luglio a Londra. 30th July 2005, <http://www.repubblica.it/2005/g/dirette/sezioni/esteri/metrolon/ven29/index.html> [Accessed on 2nd September 2009].

² Italian Government legislative decree 155, July 27th 2005: *Misure urgenti per il contrasto del terrorismo internazionale*.

³ I refer to owners of the activity, in the sense that in order to manage this activity a license is needed which is released from the Ministry of Communication. Owners of the shop are generally Italian citizens instead.

⁴ In derogation of the personal data protection law. See articles 122(1) and 123(3) in Italian Government legislative decree 196, June 30th 2003: *Codice in materia di protezione dei dati personali*.

workspaces for communication and wireless Internet access. The measures were specified a month later, in decree 190/2005⁵. From then on phone centre-owners had to identify and register customers prior to their access to telephone and Internet services and to store their personal data for an undefined period of time⁶. Consistent with the implementation of the Anti-terrorism law, inspections of phone centres increased. Initially they were organised by the National Police to ensure compliance with the Anti-terrorism law. However, they rapidly developed into an alternative tool to facilitate expulsion, thereby increasing migrants' sense of vulnerability to deportation, even in every day spaces such as these, which were normally not associated with expulsion.

This paper will explore to the consequences of the implementation of this aspect of Italian Anti-terrorism law. Elaborating on the impact this piece of legislation and the resulting police inspections had on phone centre-customers and owners in Verona and Modena, the paper will focus on the implications of what the author defines as 'residual practices of expulsion power'. It will also analyse forms of resistance to these practices by phone centre-owners. In particular, the ways in which 'residual practices of expulsion power' affected the life of migrants and phone centre-owners and how and why they were challenged by phone centre-owners.

After a short section describing phone centre business, the paper will introduce the notion of 'residual practices of expulsion power' and situate it within the literature on expulsion and deportation. A methodological section will explain the choice of the case studies and the limits of the data presented and the Italian political context. The presentation of empirical findings begins with an examination of the ways in which inspections were implemented by the police and their impact on owners and phone centre clients. It then moves on to consider phone centre owners' resistance to residual practices of expulsion power including their motivations. The Anti-terrorism law lapsed at the end of 2011, but it has raised important and continuing questions that will be sketched out in the concluding section.

ii. Phone centres.

Phone centres are family-run businesses. They are managed mostly by residents of immigrant

⁵ Ministry of Interior decree 190, 16th August 2005: *Misure di preventive acquisizione di dati anagrafici dei soggetti che utilizzano postazioni pubbliche non vigilate per comunicazioni telematiche ovvero punti di accesso ad Internet utilizzando tecnologia senza fili.*

⁶ The decree required them to store data for two years, till December 31st 2007. As the decree was reconfirmed at the end of 2007, it was made necessary for data to be stored for the period the decree would be extended, that is to say till December 31st 2009.

origins who have been living in Italy for more than six years who have a residence permit and need a job contract to have it renewed⁷. The vast majority of owners, in Modena, come from Bangladesh, but there are some from India, Pakistan, Nigeria, Peru, Morocco. In Verona, the majority come from Bangladesh, Senegal, Nigeria, and a few from Ghana, Pakistan, China.

Most phone centres are located in or close to the city centre or in areas where there is a large percentage of immigrant residents. This is hardly surprising given that immigrants make up, by far, the largest share of their customers. However, depending on where they are located, the customer base can change considerably: for those located in university areas, students are an important clientele, while in the centre of town it is tourists who substantially contribute to business earnings. Initially, phone centre businesses provided telephone and Internet services only. Over the years they introduced additional services including video rental, and the sale of products like phone cards, food, handicrafts etc. Many also provide money transfer.

Customers came to use phone centres as meeting spaces: immigrant residents visited them to chat with friends, care-givers often met there on their day off, customers inquired after practical information on house and job hunting. Owners, for their part, have been offering support - often free of charge - to fellow immigrants by filling in forms, translating documents and assisting with other bureaucratic procedures⁸.

There were about eighteen phone centres in Verona, in spring 2010, when the research was completed. To the author's knowledge, this compares with more than forty in 2006, including both phone centres and mixed businesses⁹. In Modena in the same period, numbers decreased from thirty nine to seventeen. Precise data is not available but according to owners there were no more than ten in both cities in January 2011. Many closed because of difficulties deriving from a combination of factors: the crisis of the sector in connection with increasing competition from mobile operators and voice communication systems; an increase in rental rates; and the strict hygiene and structural requirements introduced in Verona and Modena and their respective regions.

7 According to the requirements of Law 189/2002, known as Bossi-Fini, permanent residence permits need renewal every 5 years. In order for it to be renewed applicants must have a job. At the same time, if their contract is over, it is difficult to get another one without a residence permit. According to an officer of the Chamber of Commerce in Verona (telephone interview March 18th 2010) most aspirant phone centre-owners that enquired about launching an entrepreneurial activity said that they urgently needed to do so because their residence permit was expiring.

⁸ While municipalities have specific offices that offer this kind of support to immigrants, they do not have the resources to cope with the demand on their services.

⁹ These include shops whereby phone centre services are associated with other services such as food store, dvd store, etc.)

1. ‘Residual practices of deportation power’, expulsion and citizenship

In the last two decades, many liberal democratic states, including the USA, the UK, Canada, France Germany and the Netherlands have been using deportation to control migration flows and Italy is no exception. Scholars from different disciplines have contributed to this field of research along three main lines of inquiry (Anderson et al 2012). The first explores the vulnerability of individuals subject to deportation) who enjoy very limited procedural protection ((De Genova 2002; Krause 2008; Talavera et al. 2010, Kanstroom 2007). The second analyses the transformation of deportation from a state response to specific events to a normalised part of social control (Cornelisse 2010; Schuster 2005) with the growth of detention centres, private immigration enforcement agencies (Bacon 2005) and the emergence of new deportation agreements between states (Ellermann 2008). The third elaborates on the construction of the deportable subject, as an individual suitable for expulsion (De Genova 2007).

In spite of the richness that characterizes the literature none of the above explores the implications of deportation and expulsion for how we conceptualise and understand citizenship (Anderson et al. 2012). More particularly, none of them, with the exception of Ellermann (2010), have investigated forms of resistance to expulsion and to the conceptualization of citizenship it encapsulates. This contribution will elaborate on the implementation of the Anti-terrorism law on phone centres to demonstrate how ‘residual practices of expulsion power’ have developed alongside inspections, reinforcing and reproducing established conceptions of citizenship. It will also show the contradictions and tensions implicit in normative boundaries of citizenship which are evident in the entangling of multiple forms of belonging (Anderson et al 2012).

Although deportation and expulsion may often be a radically individualizing and atomizing event (De Genova and Peutz 2010), they are not always uncontested (Burrige 2011; Varela 2009; Talavera et al. 2010). They can generate conflicts among citizens and between citizens and the state over who is part of the national community. Phone centre-owners are an instance of this as they resisted ‘residual practices of expulsion power’.

These practices emerged with the implementation of inspections in phone centres. As the latter grew more frequent, police officers began to realise these shops were an ideal place to spot undocumented migrants. While inspections were not planned with this in mind they came to be used in this way, arguably becoming practices more akin to ‘ethnic profiling raids’. I call this, ‘residual

practices of expulsion power' because, as interviews with police officers and officials confirmed, they were not intentionally planned for the implementation of the Anti-terrorism law, nor of immigration (and expulsion) law.

Deportation tends to be expensive, politically unpopular in local communities, and constrained by international and regional human rights law, such as the European Convention on Human Rights and the UN Convention against Torture (Gibney 2008). Given these difficulties, before 1990 most states tended to focus on the deportation of individuals who had committed criminal offences and came to their attention through the legal process. However as issues of immigration and security came to be more important to voters inspections in phone centres emerged as a relatively cheap and potentially effective tool to demonstrate to citizens that their fears were being addressed. While little is known about the actual expulsion of individuals identified in phone centres the inspections made citizens and migrants fully aware of what De Genova (2002) terms the 'deportability' of migrants.

In spite of the importance they assumed for police officials, 'residual practices of expulsion power' have been secondary to other practices relating to terrorism law, the control of migration and expulsion. What they shed light on is the trend towards the privatization of migration control and the resistance to this, as well as the political agency of migrants whom are often considered as totally disenfranchised from politics.

Whereas critical theorists, such as Agamben, treat the state's denial of a legal identity - or of citizenship - to migrants as the end result of an all-encompassing state power, this contribution will illustrate that phone centre-owners' actions rather facilitated the evasion of state control. This is not to romanticise these actors, many of whom were, at least in part, acting in their own business interests, but rather to highlight how 'even in spaces of greatest powerlessness resistance is possible' (Ellermann 2010: 409).

2. Methodology and context

2.1 The case studies and the research design.

Verona and Modena are northern Italian cities with a population of about 260,000 and 170,000 residents respectively, with immigrants representing over 10% of the total (Istat 2010). These two cities are characterised by different political subcultures. In the first years of the new millennium,

Verona was governed by a centre-left Ulivo coalition. However, during its mandate, support grew considerably for the centre-right Lega Nord which in 2007 won the election (60.69% of votes) with a campaign based on an urban safety/anti-immigration stance. Modena has been for long the heart of the Italian Communist Party. To date, it is governed by a centre-left coalition, though the Lega Nord gained ground in the 2009 election (+ 10%).

Data was collected in both cities from April 2008 to February 2010. It comprised over eighty semi-structured interviews, a third of them with phone centre-owners and customers, fifteen with police officers and officials and the remainder with other actors including mainly policy-makers, residents and shopkeepers. Participant observation, principally at phone centres was also carried out, between November 2008 and May 2009.

Police officers and officials often refused to answer questions about inspections on the grounds that it is a sensitive and reserved matter. At first phone centre-owners too were reluctant to talk about inspections and their consequences not least because they feared retaliation from the police. Most of data reported below therefore derive from informal conversations undertaken more than a year into the research. Owners would be liable for some of the actions reported, so no details will be provided that can be linked to any individual or their city.

The data collected does allow not for any generalisation, not only because it relates to Verona and Modena only - though several informants confirmed similar scenarios could be identified in other Italian cities - but also due to the limited evidence gathered. Nonetheless, the data raises issues of utmost relevance in relation to expulsion, both from the scientific and political point of view.

2.2. Context: the Italian 'emergency season'

Focusing primarily on the USA, De Genova (2007) has considered the pernicious role that terrorism, post 9/11 discourses of fear and insecurity have played in creating a rationale that supports increasing detention and deportation targeted at Arabs and other Muslims. A similar scenario can be recognised in Italy. However, in this country, the crucial interconnection between securisation, criminalisation and race dates back to the beginning of the 1990s, when urban safety came to be seen as a priority by political actors across the country, regardless of their 'political colour'. Immigration has been strongly associated with this, especially by extreme right parties, which often used immigration as a populist theme for electoral campaigns. Even though

immigration is no longer a new phenomenon, no strategic long-term policy has been elaborated to manage it appropriately, thus, for many years, related issues have often been treated in terms of ‘emergency’ and security, in what has become popularly known as the ‘securitarian season’.

In this way fears deriving from a much deeper structural crisis (Palidda 2008; Petrillo 2000) have catalyzed into an anti-social behaviour discourse which has diverted attention towards an imagined ‘enemy’, newcomers (Dal Lago 1999), with the ultimate aim of reinstating an imagined original status quo (Petrillo 2000). Alarmist campaigns have been organised all over Italy and the ‘Pacchetto Sicurezza’ (the National Safety Law)¹⁰ introduced in 2009 has demanded clampdowns and strict enforcement of national immigration laws, including treating the status of undocumented as a crime and associated police efforts to seek out illegal immigrants.

3. Empirical findings.

3.1 Inspections in phone centres and ‘residual practices of expulsion power’.

Responsibility for inspections in phone centres fell under different police forces. As set out in the Anti-terrorism law, in 2005 the Dirigente della Polizia Amministrativa¹¹ was entrusted with implementation. Following the approval, a few years later, of various regional and local legislation which invested police forces with specific responsibilities with respect to phone centres, the Department of the Polizia Amministrativa has been providing co-ordination for all competent police officers (Interview with Dirigente della Polizia Amministrativa, December 16th 2008, Verona).

More specifically, the department’s role includes in-depth investigation of prospective phone centre-owners to determine whether they are suitably qualified to operate the business, that is to say that they have a clean record and no relationship with criminal networks. It also checks the objective requirements in relation to shops’ structural requirements (this is done in coordination with the Local Police¹²). Until the Anti-terrorism law lapsed, it also verified the adequacy of data

¹⁰ Italian government, 2009. Law 94, 15th July 2009: *Disposizioni in materia di sicurezza pubblica*.

¹¹ The chief of the Administrative Department of the Questura (the provincial headquarter of the National Police force).

¹² The main functions of the Local Police are traffic control and the enforcement of local laws relating to commerce, legal residence and other administrative duties. In the last two decades, the Local Police has been increasingly entrusted with tasks relating to urban safety and tasks included in integrated plans for security - carried out in coordination with the National Police. The Chief of the Local Police, the Comandante della Polizia Locale/Municipale reports to the Municipality.

transmission equipment, together with the Ministry of Communication and the Polizia Postale¹³. If all requirements were satisfied, phone centre-owners were authorised to start working. This concluded the first set of duties of the Dirigente della Polizia Amministrativa.

The second covered the planning and implementation of inspections. Regular inspections were conducted to ensure owners identified customers and registered their personal details appropriately. If they were found not to comply more than three times, their shop could be “confiscated” or legally required to close until further notification. Inspections were also organised pursuant to specific directions by the Ministry of Interior. They tended to be planned at regular intervals, and in response to terror attacks and other threats. Targeted inspections could – and can - be undertaken by specialised bodies of the National Police whenever deemed necessary.

Residents sometimes complained to the Dirigente della Polizia Amministrativa about disturbances caused by phone centre-customers. His Department conducted targeted inspections when the complaints threatened to develop into a public order problem which required them to ‘act tough’ (Interview February 29th 2009, Verona). Otherwise, it was the Local Police who were charged with ‘keeping the peace’. Although no precise figures could be provided during interviews, all police officers confirmed that the frequency and number of targeted inspections rose consistently over time, following insistent complaints by residents and accompanying demands to monitor shops regularly. Press coverage and phone centre-owners, suggested that many shops were visited more than once a week, regardless of any irregularity being detected.

When explicitly asked for an explanation, the Dirigente della Polizia Amministrativa refused to reply, claiming the reserved nature of inspections, but again confirmed that these inspections were a response to residents’ complaints and public order concerns. Interviews with the Dirigente suggested that increasing security demands had serious repercussions and meant the Polizia Amministrativa and other police forces had to rethink their interventions. They seem to have done so by relating citizens’ fears to an anti-social behaviour discourse, as indicated in the press coverage of the issue of phone centres¹⁴. In contrast to the by then evident inability of government agencies to

¹³ This is a specific Department of the National Police that is responsible over activities relating to the control and repression of illegal and administrative activities that fall within the complex area of communication, including first and foremost illegal activities perpetrated through the Internet.

¹⁴ La Gazzetta. Phone center, un boom pieno di ombre. 4th August 2005, 1; La Gazzetta. I gravi problemi di ordine pubblico connessi alle attività di questi esercizi, scrive Leoni, di Forza Italia, un dato di fatto oggettivo e incontestabile. 28th November 2006, 10; L’Informazione. Sono un disagio per i cittadini: rispettino le regole o chiudano. 27th June 2008; L’Arena. Giro di vite. Approvata dal Consiglio regionale la legge per questi esercizi commerciali, spesso fonte di proteste phone center, ecco le nuove regole. 8th November 2007, 15; L’Arena. Degrado. Due quartieri accomunati dagli

address structural problems, police forces found in the fight against micro-criminality and problems of pacific cohabitation an opportunity to act tough and reassure voters that threats to their security were being addressed (Wacquant 2000). This included first and foremost the management of immigrants, (Palidda 2008; Petrillo 2000) continuously identified as ‘enemies’ (Dal Lago 1999). In this way government agencies arguably tried to neutralise potential allegations of ignoring citizens’ preoccupations. Regardless of effective results, they could prove their capacity to exert (some kind of) control (Quassoli 2004).

Colleagues of the Local Police said that despite the original preventive and monitoring scope of the Anti-terrorism law, no phone centre-owner in Verona had been found guilty of any terror related offence. Similarly a Local Police Inspector interviewed in Modena could not recall any phone centre connected to terror issues¹⁵, but rather that discourses of insecurity created a rationale for inspections in phone centres which in turn were used as an opportunity to spot undocumented migrants.

The narratives of various police officers indicated that phone centres came to be identified with ‘sites of undocumented’. Undertaking inspections, they became aware of the social function of phone centres and that undocumented immigrants congregated there. A perverse mechanism turned inspections into a valid instrument to demand identification, even though the inspections fell outside mainstream practices of migration control. This did not spring from any decisions by police officials, but rather was the result of cumulative decisions taken by individual officers as the number of inspections increased (see also Open Society Institute 2009). Many made reference to the positive outcome of inspections in terms of discovering undocumented migrants, suggesting that the fight against undocumented migration became one of their (tacit) goals¹⁶. Police officers’ careers could be furthered by clamping down on undocumented migration (see for example Interview with Local Police Inspector 24th April 2009, Modena). Conversely, failing to catch undocumented because they escaped was regarded as a serious failure by their superiors (ibidem). It is therefore reasonable to think that this further contributed to the development of ‘residual practices of expulsion power’.

stessi problemi come l’eccessiva presenza di stranieri irregolari e di negozi in precarie condizioni igieniche. Tombetta? Peggio di Veronetta. 28th September 2007, 8; L’Arena. Violazioni anche all’edilizia. Proseguono senza sosta i controlli nei *phone center* e nei negozi di merce e alimenti etnici della città. 21st July 2007, pg. 12.

¹⁵ Considering his team collaborates with that of the Dirigente della Polizia Amministrativa, it is reasonable to hold his answer as rather informed, in spite of the fact that specific competence on terrorism does not rest with the Local Police.

¹⁶ It was certainly less tacit in the case of Verona where phone centres were actually explicitly indicated in the 2007 winning coalition’s electoral program as places ‘at risk’ because of the presence of undocumented, but not only. See Linee programmatiche di governo per il quinquennio 2007-2012. Session 24th October 2007 n 79. Available at: http://portale.comune.verona.it/nqcontent.cfm?a_id=9229 accessed on January 10th 2009 [Accessed 11th January 2008].

Inspections and the resulting ‘residual practices of expulsion power’ were not performed in a vacuum but took place in the context of the ‘Italian securitarian season’. This, as should be clear by now, had little to do with the fight against terrorism. Against a national scenario characterised by the interweaving of criminalisation, securisation and race, the presence and constantly negative representation by the media and political actors of the undocumented population resulted in the expulsion of the latter becoming a cornerstone of the internal control system and a growing police focus on identification.

3.2 The impacts of ‘residual practices of expulsion power’ on phone centre-owners and customers.

In principle there is nothing illegal in inspections to fight terrorism, nor in the ‘residual practices of expulsion power’ that were carried out. The United Nations provides for states to suspend certain rights if confronted with a state of emergency - such as the threat of terror attacks - that would seriously jeopardise the country’s security (Office of the High Commissioner for human rights 2003). However, the security threat posed to Italy by terrorism and undocumented migration is dubious. Furthermore, as the United Nations spelt out (ibidem: 103), generalisations should not be used in ways that over-target individuals, as this can lead to a decline in legal standards. In the case of inspections, any individual, independently of their legal status (see also Quassoli, 2004), could be stopped by the police simply because they regularly go to a phone centre. As a result, the access of customers to telephone and Internet services and to the ‘social environment’ they provided, was very much disrupted and constrained. This reinforced established conceptions of citizenship by marking the exclusion of undocumented from access to everyday services. Moreover, constraints also inevitably fell onto documented migrants and citizens.

Various phone centre-owners, in both Verona and Modena, insisted that police forces were constantly visiting their shops and putting them and their customers under severe pressure:

‘Mamma mia, they come almost four times in a month! All of them come: Finanza, Carabinieri¹⁷, Polizia Postale, Polizia Locale! Every month do they come, sometimes they come all together, sometimes only one police body come. (...) And then every time they find an excuse to give you a fine. They do not care about it. Even if they find an undocumented outside the shop. They do not care about it, they just fine you full stop.’ (Interview June 26th 2008, Verona)

¹⁷ There are specific bodies of the National Police force.

Owners commonly complained that fines were given with any excuse. Some owners felt 'lucky' whenever they were 'blessed' with an inspection which did not end up with a fine, suggesting it had become 'normal' that police agents would always find something wrong. Though there were also owners who felt that police officers were only doing their jobs, by delivering fines whenever owners did not comply with the law (Interview June 13th 2008, December 15th 2008, Verona). In any case, the positive outcomes of various appeals against fines by owners, suggests some claims about excessive and unjust fines were correct.

Besides pointing to forms of discrimination suffered from phone centre-owners in the delivery of fines which severely affected the costs of the business¹⁸, interviews found that the Anti-terrorism law imposed the task of identification of undocumented onto phone centre-owners. This is arguably consistent with a more general trend of immigration policing. Customers were often very annoyed at constantly having to show documents in phone centres and shops gradually lost their function as meeting places, thus possibly running counter to efforts towards the integration of migrant communities, particularly in urban contexts, such as Verona and Modena, characterised by a shortage of meeting spaces for newcomers (Interview with President of the 3rd Circoscrizione December 20th 2008, Modena).

Access to phone centres has been particularly constrained for undocumented immigrants. Yet, over time, immigrants with a regular residence permit and Italian citizens also became reluctant to go to phone centres as they did not want to be associated with inspections. Customers, particularly those who had experienced harsh police inspections considered not going to phone centres. Inspections were described frightening, humiliating, or even traumatic events, particularly in Verona:

'When it happened to me to be there [in the phone centre during an inspection], I saw five policemen entering into the phone centre. They immediately asked everyone to stop doing whatever they were doing, including the owner and every single customer. Everyone was asked out of phone booths, without having the time to say bye bye to the person they were talking to. Even people who were there just to accompany them were stopped. Children too! Everyone was then asked for their ID and residence permit. It went on for an hour or so. No one was allowed in or out of the shop in the meantime, not even people that had to go back to work. It was really a nightmare!' (Interview May 12th 2009, Modena)

¹⁸ As spelt out in Ministerial Decree 2005, the violation of article one - which requires owners to identify and register customers - can result in the delivery of a fine of more than 1000 euro; if they fail to do so for three times their shop can be confiscated for three days or more.

Customers reported that owners did their best to make sure inspections were not too disruptive, helping speed up police officers' work and challenging disagreeable conduct. However, owners' efforts were not always sufficient. As customers repeatedly suggested, inspections at times resembled 'racial raids'. The evidence collected is too unsystematic to allow for any speculation but the very fact that inspections were so perceived indicate a cause for concern about police practice¹⁹. Regular inspections are very intrusive and when entire communities are targeted they can be subjected to a form of collective guilt (Costas 2009). This emerged quite clearly from interviews with customers who felt ill at ease with the image harsh inspections and related media coverage gave of residents of immigrant origins. Inspections have also had a negative effect on public confidence in the police. During informal chats with customers, some worries were expressed that the police could not be trusted for protection.

3.3 The resistance of phone centre-owners in face of 'residual practices of expulsion power'.

With the first run of inspections in 2005, some phone centres-owners began challenging the implementation of the Anti-terrorism law, including 'residual practices of expulsion power'. Chats with tourists made it clear that the identification requirement was unique to Italy and phone centre-owners in cities such as Rome and Naples reported that the Anti-terrorism law was less rigidly applied hence suggesting a 'localism of rights' (Zincone 2000). Phone centre-owners felt discriminated against and this provided the first motivation to act.

Their opposition to 'residual practices of expulsion power', was partly a response to the need to 'protect their business'. These shops were viable businesses and important for the renewal of their residence permits. However, owners were also clearly genuinely concerned at the disproportionate impact that these practices were having on their customers, and in particular on undocumented people.

Confronted on an everyday basis with the human face of deportation and the possibility of undocumented customers being expelled after identification in their own shop, they grew more and more sympathetic to them (see also Ellermann 2006). This applied particularly to those owners who had experienced what it means to be constantly asked for documents and to live under the constant threat of expulsion:

¹⁹ This is all the more true for Italy, where police forces are not subjected to the principle of accountability and whereby there is hardly any system for monitoring discrimination by police forces.

'I know what it feels like when they stop and maybe search you, anywhere, while you are simply walking down the street, just because you look foreigner or even just because you are unlucky to be there (...) You suddenly feel alarmed, even if you have valid documents with you or you are waiting for your residence permit to be renewed' (Interview November 17th 2008, Verona)

All the above fostered resentment among owners. A whole series of actions followed, but for the purposes of this paper I will focus on those that specifically challenged 'residual practices of expulsion power'.

The implementation of the Anti-terrorism law was characterised by considerable confusion among police officers and it often resulted in discretionary powers being used differently. This 'shadow area' facilitated the performance of 'residual practices of expulsion power'. At the same time, it provided owners with various coping strategies despite the possibility of very heavy fines being imposed for failing to identify customers²⁰ or to ask for their residence permit²¹. This is not to say that owners did not acknowledge the importance of complying with the Anti-terrorism law. On the contrary, they repeatedly declared themselves ready to collaborate with police forces, where necessary. In both cities, owners organised and called for meetings with the Local Police to find a compromise to manage the consequences of inspections. In Modena owners were permitted to identify customers on a one off basis by means of a 'fidelity card' rather than having to do it every time they came. However, hardly any agreement was reached in Verona.

Regardless of the outcomes of confrontations with police officers, many owners refused to 'hunt' undocumented on the grounds that this was police business. As they argued during interviews, the connection between identification and expulsion meant checking identity was too heavy a responsibility for them:

'It is for the government to control and manage undocumented! I am not supposed to ask them for any document, surely not for their residence permit! Who am I to prevent them from entering my shop? I am not and I do not want to be a policeman! They might just come in to ask for an information, to meet a friend, to use the toilet! And if they need to use the telephone or internet, as any other person could do why should I not allow them to do so? They are not criminals!' (Interview May 27th 2008, Verona)

²⁰ As spelt out in Ministerial Decree 2005, the violation of article one - which requires owners to identify and register customers - can result in the delivery of a fine of more than 1000 euro; if they fail to do so for three times their shop can be confiscated for three days or more.

²¹ Although checking residence permits is a task reserved to police officers, several owners were fined because undocumented were found in their shop, some even holding a valid passport.

Some owners were also very critical of Italian immigration laws and practices, as compared to those of other countries. Specific criticism was made of the ways in which Anti-terrorism law did not help undocumented migrants who are living in the country integrate but rather prevented them from building a ‘normal life’:

‘Why do they welcome undocumented migrants in Lampedusa, give them bread and water and then let them disperse in cities, instead of doing like in England and Spain where they send them back or help them find a job and give them documents? I want a reply on all these questions from the Municipality! Why is it that in such a scenario they come and look for undocumented in my shop? First they welcome them and then if they come to this city and to my shop it should be my fault? (...) This is not 100% fair because when an undocumented lives in a country this Anti-terrorism decree does not contribute in any positive way to integration... let’s say I am an undocumented and I do not have valid documents [with reference to the residence permit] and still need to live day by day. I need to go to shops, not only to phone centres, but how can I do when I know I am hunted all the time?’ (Interview December 2nd 2008, Modena)

As evident from the extract above, owners stressed the membership contradictions (see also Anderson et al. 2012) implicit in the ‘residual practices of expulsion power’ with respect to the general integration goals of the Italian government. Additionally, the perceived ‘strategic’ use of inspections was criticised as being ineffective and overly invasive for customers:

‘If undocumented go to a supermarket, instead of a phone centre, they are not asked for documents and they are left in peace. Why doesn’t the police try and catch undocumented on the street instead of insisting on phone centres thus making so many people uncomfortable? This is just another way to exclude people rather than encouraging them to settle and facilitate their way towards integration (Interview December 11th 2008, Modena)

Owners invariably admitted they found it very hard to ask for documents. I repeatedly tried to investigate how phone centre-owners were actually dealing with undocumented when they entered their shops. At first they were reluctant to discuss this, but as they became more familiar with me they opened up. They reported that responses included passive noncompliance, sabotage, subtle evasion, and deception (see also Ellermann 2010). Some owners gave undocumented migrants access to their services by registering fake credentials, or those of friends or relatives. We should remember that apart from being a meeting space, phone centres are places where immigrants get updates on their immigration status and related applications. This means most owners are well aware of the frustrations immigrants face, not only because they have often had similar experiences, but also because they are exposed to the frustrations of customers when they visit phone centres in their ‘journey’ towards settlement and integration.

Other strategies were used to avoid identifying undocumented. Phone centres' registration systems do not allow for phone booths to be un-blocked unless the details of customers are first registered. Hence, some of them bought cordless telephones that could be used outside the shop. At first these were useful for times when the shop was full. After the introduction of the Anti-terrorism law, however, they became strategically useful to enable undocumented to make unmonitored calls. This made it easier for them to evade police inspection as long as they paid careful attention to any police cars.

'The trick of the mixed-business' was also adopted. While the requirement of identification applied to phone centres, it was not introduced for other types of commercial activity like food stores. Given that some owners ran mixed businesses this could justify the unregulated presence of undocumented immigrants. They could be there just to buy food and it was difficult for police officers to prove otherwise, unless they caught them in the act of making a call. Police officers reported this as a problem, but were unaware of it as a practice of resistance, attributing it to the general negligence of owners in conducting their business. Owners also often allowed undocumented along with other customers to access services beyond the shops' closing time, when police were less likely to inspect.

According to some interviewees there were different practices in different cities. In Pisa for example immigrant and third sector associations took advantage of the fact that the Anti-terrorism law required the identification of customers only in shops with more than three terminal devices. Phone centre-owners pointed out the issues this raised for undocumented and associations worked out an alternative solution, by opening their spaces to them.

These actions resemble those described by Ellermann (2010) in her research on undocumented forms of resistance. In Ellermann's view, actions by those on the margins do not generally amount to collective acts of civil disobedience as resistance falls short of 'the resource-demanding standard of organized political action' (410). The same can be said for actions by owners, with the difference of course that, despite their own precarious status repeatedly put at risk through their resistance, owners cannot be understood as marginal in the same way as undocumented migrants, as they have a residence permit that can be renewed, as far as their business is operated. However, owners' practices draw from a shared body of knowledge and they embody a critique of national immigration policies, thus pointing to the fact that, in spite of their exclusion from the mainstream channel of political participation, owners were not totally disenfranchised from politics.

All owners agreed that the law made it hard for them to operate. They often referred to the impolite and aggressive attitude of some police officers during inspections. In Verona, during the first months of his mandate in 2007, the mayor took part in numerous inspections leading them in a rather patronizing way (Interview June 14th 2008, Verona). Language difficulties made it hard for owners to communicate with police or to protest. The situation was not helped by their stress and fear of retaliation. A deep sense of frustration, anxiety and even rage was expressed by many interviewees who resigned themselves to dealing with the situation day by day, convinced that police officers would continue harassing them anyway and that their only way out was to ‘manage’ their shop space as if they were police agents themselves:

*'Why do they not simply ask us to close down the business? They are leading all of us in that direction anyway! If eventually they force me to close down and f*** up my business, my whole life's investment, I promise I will burn down the shop ... but then I feel so helpless!'. 'I am so tired of being afraid all the time ... you never know when there will be another inspection (...) nor do you know when the next piece of regulation will come up... '* (Interview 14th June 2008, Verona).

'I'm always very careful and make sure I check on everyone who comes in my shop. If an undocumented migrant comes in, I immediately send him/her away. If I realise that an undocumented migrant is hanging outside my shop I send him/her away too. I do not understand why I should be responsible for this but if the police comes and finds any of them around it blames me and it fines me and I run the risk of having my shop confiscated too.' (Interview August 10th 2008, Verona)

4. Conclusions

Inspections were not effective in achieving their objectives or unofficial expulsion goals. Nonetheless, they had a disproportionate impact on the everyday life of phone centre-owners and customers, whether undocumented migrants, resident permit holders or citizens.

Although critical theorists, such as Agamben, treat the state's denial of a legal identity to migrants as the end result of an all-encompassing state power, this contribution illustrates that ‘residual practices of expulsion power’, can be challenged and evaded. Attention to owners’ forms of resistance can help us better understand the potential of marginal actors for political engagement. While formalised political participation was closed to them, they were still found to be active politically. Despite their own, sometimes precarious status, owners were not simply the passive objects of policy and practices conceived and implemented by other but often decided to react to ‘residual practices of expulsion power’ as active subjects of politics.

An analysis of citizenship and in particular of political agency enables us to broaden the debate over expulsions, and in particular over ‘residual practices of expulsion power’, shedding light on them not only in terms of numbers and individual traumas, but also in terms of the impacts that deportability has on the lives of migrants. It illustrates the boundaries of citizenship, their contradictions and the ways in which people can contest them. While owners sometimes succeeded in thwarting the state’s efforts at monitoring undocumented migrants no form of empowerment has resulted, either for them or for undocumented. They could not offer undocumented customers what they desire most: a regular residence permit and access to national membership. Many actually still lack it themselves.

Two questions remain. First: what will happen to phone centres? The sector has been in crisis for several years. Competition from mobile operators and the international voice market is bound to grow fiercer. Many observers say that they will disappear. Others believe there is scope for business if they re-think their activities, and emphasise the provision of ancillary services, such as money transfer, fax, photocopying, etc. - Internet points are already doing this in Italy and other European countries. The survival of phone centres also depends on whether the restrictions imposed by the normative framework will be loosened. For the time being they are still in place and there is no plan to review them. As far as emergency legislation is concerned, and in particular the Anti-terrorism law, it was repeatedly extended, in spite of its temporary nature, but it eventually lapsed at the end of 2010 and ‘residual practices of expulsion power’ are no longer implemented. Inspections in phone centres continue at less regular intervals.

The second question, relates to ‘residual practices of expulsion power’ and the ‘Italian securitarian season’. Has the latter come to an end, with the elimination of the Anti-terrorism law? It is too early to say and these practices cannot be associated with the fight against terrorism only. Yet, ‘residual practices of expulsion power’, that can be best understood with reference to this scenario, are no longer implemented. In this sense, it is therefore legitimate to ask under what conditions they could be re-activated on the grounds of fighting terrorism or any other form of emergency. In a context in which many liberal democratic states have been using deportation power to an unprecedented level, efforts should be made to carefully monitor expulsion polices and associated practices, to ensure legal standards are respected and that impacts on migrants and on the wider population are monitored.

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