

Plus Ça Change: The Politics of Alterity, and Italian and Maltese Responses to Recent Migration Challenges

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This article analyzes the evolving refugee related policies of Italy and Malta in recent years by employing Hannah Arendt's insights into the origins of refugee status and the power of alterity as an animating force of human behavior. We contend that both these countries have circumvented European Union and United Nations compacts and rules governing refugee treatment during this difficult historical era and that their behavior, and that of their populations, provides a powerful and salient reminder of the challenge of ensuring displaced people rights in the face of human willingness to 'other.' We argue too that the bases of those obstacles take multiple forms including deliberate appeals to hatreds, fears, and grievances, real and imagined, by political leaders for purposes of securing power, as well as via perversions of national memory and history. More deeply, the wellsprings of the behaviors to which Arendt pointed lie in individuals' innate relative incapacity to tolerate difference, presenting a critical ongoing challenge for democratic governance amidst conditions of pluralism of whatever stripe.

Keywords: refugees, Syrian Civil War, Hannah Arendt, Italy, Malta, alterity

Introduction

This article explores the evolving eastern Mediterranean migration situation as it has involved two European Union nations that have attracted large numbers of displaced individuals/refugees/asylum seekers in recent years: Italy and Malta. While each of these countries was and continues to be affected by the exodus spurred by the Syrian Civil War, each has also been challenged by streams of incoming individuals from nations located elsewhere in the Middle East, South Asia, and North Africa that have experienced periods of political turmoil, war, social conflict, and unrest. We argue that both Italy and Malta have sought to circumvent European Union and United Nations norms and rules governing refugee treatment during this difficult era, and thereby have also undermined to varying degrees the human rights of those individuals. Paradoxically, the two nations have taken the steps they have adopted to limit the number of refugees who request asylum or who become permanent residents in their territories, even though neither has represented the preferred destination for many of those individuals arriving on their shores during the last decade.

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Part of the explanation for this policy turn in each country lies in the fact that the politics of each nation in the past decade has been characterized by growing numbers, if not always the ascendance, of actors and parties claiming that immigration will despoil the purity of each country's population while also contending that migrants and asylees will steal employment from residents (Powell 2017). These fears were expressed, for example, at an anti-immigration rally in Malta in September 2014, at which participants argued that 'real Maltese' citizens were at risk of extermination due to immigration, principally from African countries. One protestor contended on social media that the nation must be "cleared of African invaders, who want to destroy Maltese culture and civilization" (Felice 2014). Similarly, Matteo Salvini, leader of the Northern League in Italy, argued at a rally in December 2017 that if his party won the then pending national election, his government would provide many refugees "a one-way ticket to send them back" (Strickland 2018). These arguments and anxieties have been felt and offered across history by individuals fearing difference and pluralism and by political leaders wishing to use that phenomenon to garner power and influence. They are rooted in the politics of alterity, or of 'us' and 'them.'

We have anchored our analysis of the changing conditions for refugees and asylees in these nations in two elemental insights concerning the implications of alterity originally offered by the political thinker and Holocaust refugee, Hannah Arendt. We have been struck that much scholarship on those displaced by the Syrian Civil War has focused on what might be dubbed policy process issues and legal implications. One such corpus has concerned Italy and Malta's decisions to disallow refugees to disembark at their ports. We do not seek here to contribute to that work, as necessary as it may be. Nor do we intend to add to the theoretical debate concerning Arendt's work in social and political theory and refugee studies. Instead, we here employ her understanding of alterity to highlight the deeper, in-principle, and enduring questions and currents at play in the ongoing migration challenge in the Mediterranean and to root them in what we take to be her fundamental insights into the human condition. We hope to point here to the basic questions for freedom and human rights raised by the massive numbers of people across the globe that now are displaced from their homes each year.

In short, we found ourselves reviewing the response of two nations to what has been a difficult circumstance, in which each has elected to address that challenge by too often disregarding the human and civil rights and tolerating the deaths (as a supposed dissuasion), of many of those seeking its shores. In Italy, that has taken the guise of a nominally bureaucratic 'externalization' policy that has implied frequent inequitable and inhumane treatment of those displaced. Meanwhile, Malta's political leaders have decided in policy and practice to treat the displaced—men, women, and children alike—with cruelty rather than accord them the human rights their country, like Italy, has otherwise nominally pledged itself to provide.

We do not here contend, as Arendt did not contend, that these nations do not possess the right to decide to whom to accord residence and citizenship in their territories, or that they must provide that status to any who request it. We do mean to highlight the fact that rather than honor the dignity and rights of those seeking solace via their shores, leaders and citizens in these nations have, as Arendt warned

too often was true of treatment of the displaced, given their vulnerable and fragile status, abused that population in recent years. In so doing they have evidenced what Baron-Cohen has dubbed “empathy erosion” (Baron-Cohen 2011). We turn to Arendt here to highlight her prescience and to underscore the fragility of human rights, even in well-established democratic nations during a period in which such norms are under assault in many countries.

Theoretical Background

Arendt and the Politics of Alterity

In *The Human Condition* (1998) Arendt described how alterities or otherness belong to everything, not just to the marginalized, as our definitions and concepts always constitute distinctions. In other words, according to Arendt, difference is our human condition (1998, p. 176). It follows that respect for others quite different from oneself can only be generated in the public arena of ‘human plurality’ where one is free from external necessity and inner compulsion (Cutting-Gray 1993). However, as Gómez Ramos has observed, accomplishing this is no mean feat:

From Levinas to Judith Butler, recognition of the other, responsibility for the other, care for the other have been the normative claims that are supposed to relieve the old metaphysics and to pave the way for a new ontology, a new ethics and a new politics. How does plurality connect to otherness? [...] how to cope with the legitimate, albeit ambiguous, claim of alterity without destroying itself (Gómez Ramos 2022).

In 1943, Arendt authored an essay entitled, “We Refugees,” outlining the conditions confronting a world population that, ironically seemed to constitute “... a new kind of human being—the kind that are put in concentration camps by their foes and in internment camps by their friends” (Arendt 2008, p. 265). She went on to contend that this group found itself in a search for dignity through no fault of its own:

It is true we have had to seek refuge; but we committed no acts and most of us never dreamed of having any radical opinion. With us the meaning of the term ‘refugee’ has changed. Now ‘refugees’ are those of us who have been so unfortunate as to arrive in a new country without means and have to be helped by Refugee Committees (Arendt 2008, p. 264).

Arendt concluded that those experiencing this new status experienced conflicting emotions, but the social sorting and shameful consequences that accompanied those were ever the same:

If we are saved, we are humiliated, and if we are helped we feel degraded. We fight like madmen for private existences with individual destinies ... [but] we actually live in a world in which human beings as such have ceased to exist for quite a while, since society has discovered discrimination as the great social weapon by which one may kill men without any bloodshed; since passports or birth certificates, and sometimes

even income tax receipts, are no longer formal papers but matters of social distinction. It is true that most of us depend entirely upon social standards, we lose confidence in ourselves if society does not approve us (Arendt 2008, pp. 268–269).

In short, soon after a world war that saw the murder of millions of Jews based on a story that scapegoated them for Germany's perceived shame and economic woes, Arendt recognized how difficult it had been for those able to escape the Nazis to receive acceptance and support in nominally friendly nations, where most were treated as interlopers or worse. Modern society had indeed found a new mechanism by which to rank and accord rights to residents based on whatever criteria, real or imagined, that could elicit popular grievance. Unfortunately, it was easy to make arguments against refugees in any such dialogue.

Holocaust survivor Primo Levi argued similarly that human beings couple their willingness to fear and other based on difference with a desire for certainty. Accordingly, societies are often willing to accept simplifications of complex causalities, and this tendency comes at the cost of grotesque treatment of facts as well as of individuals and groups accused of responsibility for them:

We [humankind] also tend to simplify history; but the patterns within which events are ordered is not always identifiable in a single unequivocal fashion. ... Nevertheless, perhaps for reasons that go back to our origins as social animals, the need to divide the field into 'we' and 'they' that this bipartition-friend-enemy prevails over all others. This Manichean tendency shuns half-tints and complexities: it is prone to reduce the river of human occurrences to conflicts, and the conflicts to duels (Levi 1988, pp. 31–32).

For her part, Arendt concluded her observations on this question by suggesting, in a sentence that applies to Italy and Malta's struggle to address an influx of would-be refugees in recent years, "The comity of European peoples went to pieces when, and because, it allowed its weakest member to be excluded and persecuted" (Arendt 2008, p. 274).

In contrast, one might argue that European nations have been notably hospitable towards Ukrainian refugees displaced by the current Russia-Ukraine war. In an analysis of the differential treatment of Ukrainian versus Afghan refugees in Europe, De Coninck (2023) has suggested why the European and American publics may feel closer to Ukrainian than Afghan refugees and why they may perceive the former as more deserving of aid. He highlighted the role of symbolic threat (i.e., the fear that migrants challenge the in-group's religion, values, belief systems, ideology, or worldview) (Abbas 2020), a collective conscience of sorts (e.g., through representation of a country at the global scale), and ethnicity (descent-based attributes such as physical features, including skin color). De Coninck concluded, however, that the looming fear of the aggressor in the present conflict (Russia) may be playing a larger role in the European and American public's reactions to the Ukrainian situation than in other recent refugee crises lacking that factor (De Coninck 2023).

More, as has occurred in Jordan's treatment of Syrian refugees, an initial period of openness and hospitality may pass and othering and scapegoating attitudes toward refugees may emerge with the passage of time. Moreover, as Kirtsogloua

and Tsimouris (2018) found in the case of Albanians in Greece, neoliberal governmentality and cultural and political imperialist projects can also nourish a double standard of behavior among European residents toward Middle Eastern/African refugees. Last, it is worth noting that of 8 million Ukrainians who have fled their homes to other European countries, fewer than 170,000 have taken refuge in Italy and only 1,744 have done so in Malta (UNHCR 2023). Indeed, neither of these nations is featured in the UNHCR Refugee Response Plan for Ukraine (UNHCR 2023). In short, what seems like a more hospitable treatment of Ukrainian refugees compared to their Muslim/non-European counterparts is rooted in multiple causes, may change over time, and is not homogenous across Europe. In other words, the politics of alterity may be prompting a number of European countries to count Ukrainians as ‘Us’ versus their common enemy (e.g., Russia, Muslims, etc.), yet the same politics may work to exclude that population when the situation changes (e.g., geopolitical relations shift or Ukrainian number/lengths of stay are perceived as exhausting host resources).

Arendt offered a second insight into the challenge represented by the advent of refugees as a category of individuals created by humankind’s inhumanity to its own. That thought caused her to question 18th-century conceptions of human rights in her 1951 work, *The Origins of Totalitarianism*:

We become aware of the existence of the right to have rights (and that means to live in a framework where one is judged by one’s actions and opinions) and a right to belong to some kind of organized community, only when millions of people emerge who had lost and cannot regain these rights because of the new global political situation...The right that corresponds to this loss and was never even mentioned among the human rights expressed in the categories of the eighteenth-century because they presume that rights spring immediately from the ‘nature’ of man ... the right to have rights, or the right of every individual to belong to humanity, should be guaranteed by humanity itself. *It is by no means certain whether this is possible* (our emphasis) (Arendt 1979, p. 296–297).

That is, populations and officials of recipient nations must find the political will and logistical wherewithal to honor the human rights of displaced individuals and history teaches that doing so is always difficult and tenuous.

Arendt’s Framework of Alterity in Displacement Scholarship

Previous scholarship has considered Arendt’s work as a framework for analyzing refugee conditions from various perspectives with a focus on undocumented migrants as stateless people. Taking up Arendt’s analysis of statelessness and her critique of sovereign power, Hayden, for example, has contended that despite claims concerning globalization’s undermining of nation states’ sovereignty, “states continue to reinforce their power to exclude and contain stateless persons while simultaneously deploying the discourse of universal human rights” (2008, p. 264). Using Arendt’s statelessness argument, Blitz and Otero-Iglesias (2011) interviewed deported and long-term asylum-seekers in England to examine the influence of negative application decisions on individuals’ access to rights. The authors found that when denied state

protection, refused asylum-seekers endure an existence not unlike the stateless people Arendt described.

We do not aim to review this scholarship, but instead to situate this analysis. Drawing on Arendt's argument, we contend that the Italian and Maltese record on this count during the last decade is checkered at best and disillusioning at worst. The harsh stance of these two nations toward those seeking refuge within their borders suggests the continuing power of alterity, or the willingness of humans to tyrannize over the powerless to assuage their own anxieties, hatreds, or fears. Arendt's insight and these cases highlight a continuing challenge for Europe, and for humanity. Her companion argument that only humankind can provide this guarantee also remains true, can political leaders (and populations) find ways and means to protect the powerless without falling prey to their worst impulses and scapegoating those individuals for conditions they did not create?

Results

The Recent Context for Refugees and the Displaced in the Mediterranean Region and Italy and Malta

More than 6.6 million Syrians have fled their homeland since the advent of civil war in that nation in 2011 and another 6.7 million people remain displaced inside the country. According to the United Nations High Commissioner for Refugees (UNHCR), Syrians have sought asylum in more than 130 nations, yet most of the nation's displaced, or approximately 5.5 million individuals, today reside in neighboring countries, Turkey (3.6 million Syrian refugees), Lebanon, Jordan, Iraq, and Egypt. European countries now host more than 1 million Syrian refugees, with Germany (59 per cent) and Sweden (11 per cent) hosting the largest numbers (UNHCR 2021a, 2021b).

The 2010-2011 Arab Spring, and the social and political turmoil and war in several North African and middle eastern nations that followed on its heels, created an outpouring of individuals seeking refuge in or through Italy: more than 740,000 migrants (64,000 Syrians among them) during the period 2011–2017, compared to 325,000 during the previous 14 years. Italy and Malta became primary European landing countries for those fleeing their homes along the 'central Mediterranean route,' including individuals from Libya departing via the Sahara Desert and Egypt (Strozza and Gabrielli 2020). Syrian and other refugees attempted to reach Europe during these years via often fatal sea journeys and dangerous land routes from Turkey (Denaro 2016). As recently as 2020, according to the UNHCR, approximately 94,000 refugees and migrants crossed the Mediterranean Sea to seek refuge in Europe. Italy experienced a 197 per cent rise in sea arrivals that year, while Malta received 33 per cent fewer sea arrivals than it had in 2019, in part because it cooperated closely with Libya, particularly, to forestall them. An estimated 1,064 people either died or went missing attempting to cross the Mediterranean in 2020.

Most asylum-seekers enter Malta, located in the Central Mediterranean about 100 miles from the coast of Tunisia, following rescue or apprehension at sea. The

country received 4,090 asylum applications in 2019, making it the EU nation with the second-highest number of such petitions per capita that year, following Cyprus (UNHCR 2020). While Italy, Greece, and Malta have been ‘first arrival countries’ for refugees from North Africa, the Middle East, and beyond in recent years, they have not served as the primary countries of asylum for those individuals. Data regarding seaborne arrivals in Italy and the number of asylum claims filed in that nation chart the contours of the transit phenomenon. For example, only 6 per cent (in 2013) and 3 per cent (in 2014) of Syrian refugees who came ashore in Italy presented an asylum claim to remain in that nation (Denaro 2016, p. 78). Table 1 provides a summary overview by nation of the number and origins of refugees arriving in EU states by land or sea since January 2021 (UNHCR 2023). Syria ranked fourth on the list of countries of origin for total refugees alongside Bangladesh, Guinea, Ivory Coast, and Afghanistan, among other nations.

Table 1. *Most Common Nationalities of Mediterranean Sea and Land Arrivals from January 2021 to the Data Date*

Country of origin	Data date	Percentage	Population
Tunisia	31 Aug 2023	18.1%	41,248
Syrian Arab Rep.	31 Jul 2023	9.0%	20,383
Pakistan	31 Aug 2023	5.2%	11,803
Others	31 Aug 2023	8.8%	19,951
Guinea	31 Aug 2023	8.5%	19,426
Eritrea	31 Aug 2023	3.8%	8,532
Egypt	31 Aug 2023	16.8%	38,291
Côte d'Ivoire	31 Aug 2023	9.7%	22,016
Bangladesh	31 Aug 2023	13.4%	30,403
Afghanistan	31 Jul 2023	6.7%	15,314

Source: UNHCR Operational Data Portal (UNHCR 2023a).

Italy

According to a UNHCR factsheet, between January and November 2021 approximately,

62,943 persons arrived in Italy by sea, including 9,226 children travelling on their own. This is almost double the sea arrivals recorded in the same period last year [2020] (32,563 persons) and an even greater increase compared to refugees and migrants disembarking in the January-November 2019 period (10,882 persons) (UNHCR 2022a, p. 2).

That UNHCR publication also noted,

With over 107,000 individuals reaching shore between 1 January and 30 November, southern Europe (Cyprus, Greece, Italy, Malta and Spain) saw a 31 per cent increase in sea arrivals compared to the same period in 2020. However, of all countries in the region, only Spain and Italy experienced an increase in the numbers of refugees and migrants arriving by sea this year. Notably, Italy has received 59 per cent of all sea arrivals in 2021 in the Mediterranean (UNHCR 2022, p. 2).

Italy has hosted displaced individuals and refugees since the 1970s and with 3 million net immigrants, the country became one of the most important initial European destinations for such individuals during the first decade of this century (Strozza and Gabrielli 2020). Nonetheless, forced migration as a reason for travel to Italy was a much less significant phenomenon before 2010 (Strozza and Gabrielli 2020). Indeed, historically, Italy has accepted few asylum seekers during international crises and recognized Geneva Convention status in a small number of cases each year (Campesi 2018). Total sea arrivals to Italy, however, rose significantly to more than 740,000 during the 2011–2017 period. Approximately 65,000 Syrian refugees arrived between 2014 and 2016, when they chose the sea ‘alternative’ route to the Balkan and Eastern routes to Europe (Strozza and Gabrielli 2020).

In a recent analysis of Italy’s response to the Syrian refugee crisis Nannerini (2023) has contended that migrants have received different treatment depending on the mechanism by which their status was evaluated when they entered the country. Despite the fact that “Article 31 (1) of the 1951 Convention prohibits penalizing refugees for illegal entry or presence, provided they come directly from countries where their life was threatened and show “good cause” for violating applicable entry laws” (UNHCR 2000, p. 5), Italy has circumvented that prescription in multiple ways.

According to Nannerini, spontaneous arrivals include “refugees that arrive in Italy without being included in safe and legal pathways to claim asylum” (2023, p. 222). This group mainly enters the country via the Central Mediterranean Route and compared to administrative arrivals (discussed later) is subject to different application procedures to assess its claims while also experiencing different access to services and benefits.

With a history of protecting its borders against migrants, it was only in 2014, when the EU offered a 6,000-10,000 Euro incentive per refugee, that Italy took steps to institutionalize a resettlement program. With the continuing support of the Asylum, Migration and Integration Fund offered via EU Regulation No 516/2014, the European Parliament and the EU Council, a second category of arrivals (i.e., administrative arrivals) received a quicker and smoother path to regular refugee status in Italy (Nannerini 2023, pp. 226–227).

To compare the two processes, one must first note that ‘spontaneous’ asylum seekers are expected to apply for protection upon their arrival by filing a requisite form to do so (Modulo C/3) at a police headquarters. They are thereafter hosted in various types of centers while awaiting a hearing before the Territorial Commission—an administrative board in charge of initial evaluation of asylum applications. Meanwhile, administrative arrivals are not required to appear before the Commission. Instead, these individuals only appear in person, to collect their documents, when their cases have already been processed, and they are then made aware of the outcome

of that review. This procedure is speedier than that undertaken for spontaneous arrivals. When one examines the numbers of individuals in each classification, it is clear that spontaneous arrivals constitute the preponderant share of those seeking refuge in Italy. In 2015, 154,000 migrants entered Italy via the spontaneous route, of whom 84,000 applied for asylum. According to the UNHCR, Italy pledged 1,989 places and resettled 1,612 persons between 2015 and 2017 using the administrative process. That number declined to 621 in 2018-2019 (UNHCR 2019a).

In identifying and describing these processes, Nannerini argued that “attempts to prevent asylum seekers and migrants from reaching Italian territory have historically been part of Italian migration policies” (2023, p. 225). Preventing migrants and potential asylum seekers from reaching Italian territory through various treaties provides another example of the Italian politics of alterity. The Treaty of Friendship with Libya in 2002 (effective since 2008) and the Memorandum of Understanding on Migration signed in 2017 with that nation each provide Libyan authorities with financial and technical support to combat illegal (e.g., spontaneous) immigration.

Italy has continued to provide aid to Libyan authorities in ongoing efforts to prevent potential refugees from leaving that nation, despite widespread evidence of continuing abuses against them within their native country. By the end of 2021, according to Amnesty International, “32,425 refugees and migrants had been captured at sea by Libyan coastguards, supported by Italy and the EU, and returned to Libya, by far the highest figure on record” (Amnesty International, 2022 p. 213). The Italian government is continuing to supply Libya with resources for at-sea interceptions. Despite these initiatives, however, 67,477 people, including 9,699 unaccompanied children, had reached Italy by sea by the end of 2021, mostly from Libya and Tunisia, an increase of more than 34,154 arrivals compared to 2020. Deaths at sea of refugees and migrants in the Mediterranean also increased during 2021, reaching 1,553 by year’s end, compared with 999 in 2020 (Amnesty International 2022, p. 213).

Italy’s 2017 memorandum on migration with Libya has occasioned controversy as an illustrative case of the process of externalizing migration management through soft law. Libya has not agreed to protect migrants’ rights (Reviglio 2020). This externalization of the ‘refugee problem’ is not specific to Italy. When former British foreign secretary Jack Straw suggested assisting countries in the region of origin, to improve access to asylum procedures for genuine refugees and dissuade illegitimate claimants from using the Refugee Convention, his political goal was to reduce numbers associated with the territorial approach. The EU Commission replied by preparing a complementary external processing scheme and resettlement package as part of the Common Asylum Procedure Communication. The UNHCR responded cautiously by suggesting that the Commission also consider implementing a humanitarian visa system to ensure that individuals at risk could seek protection. While both agencies have acknowledged the value of such an approach, the UNHCR has sought to offer refugees access to protection, while the European Commission has focused on reducing the burden of such applications for Member States (O’Nions 2014, p. 177).

More, the EU Pact on Migration and Asylum of September 2020, emphasized the external borders of southern and central/eastern EU Member States and did not authorize “entry ... to third-country nationals unless explicitly authorized” (European Commission 2022). That turn implied that an application for asylum would not result in “an automatic right to enter the EU” (Carrera 2020, p. 4).

Even when refugees reach Italian soil, laws and decrees limit their access to protection and legal rights. For example, the ‘Salvini Decree’ of 2018 severely restricted humanitarian protection for refugees. Meanwhile, the successor government introduced a ‘special protection’ status via Decree 130/2020 (also called the ‘Lamorgese Decree’ after the then Minister of Interior). This standing applies to two situations: 1. Where there is a risk that the person will be persecuted or subjected to torture or inhuman or degrading treatment, or when there are systematic and serious violations of human rights in a migrants’ country of origin. 2. Where there are good reasons to believe that the removal from the national territory involves a violation of the right to private and family life. The current Italian government converted the controversial Cutro decree (‘Decreto Cutro’) into law after a deadly shipwreck off Calabria in February 2023 to restrict the use of these special protections by removing the second group from special protection status. Other provisions of the new law made it more difficult for certain groups to obtain residence permits, widened the scope for detention of applicants and limited the possibility of submitting subsequent applications, and required that a rejection decision on asylum, after the period for appeal had expired, be accompanied by a return decision (European Council on Refugees and Exiles 2023, p. 2).

Italian authorities have also invested in a politics of alterity by mobilizing citizen fears for political gain,

Institutional and mainstream actors have mirrored public anxieties and security concerns, endorsing emergency narratives, aggressive policing and militarised border control. Unable to engage with citizens’ concerns, they have helped to conflate migration with insecurity, creating a fertile breeding ground for xenophobic, populist reactions (Castelli Gattinara 2017, p. 218).

According to a 2016 survey by the Pew Research Center, 60 per cent of Italian respondents believed that Islamic refugees would increase the likelihood of terrorism in their country, 65 per cent viewed refugees as burdens to the economy by taking jobs and social benefits, and 47 per cent blamed refugees for committing crimes at higher rates than other groups (Wike 2016). In a comparative analysis of anti-migrant policies in France and Italy, Castelli Gattinara contended that Italy displays “a more clear-cut demarcation between ‘insiders’ and ‘outsiders’ politics’ partly due to its citizenship model, which is generally ‘appraised as familistic, in that it is based upon belonging to the national community by descent’ (2018, p. 276).

When analyzing the EU refugee reception system in Italy, Campesi has highlighted the reception systems and processes in Italy by contending,

the ‘refugee crisis,’ and the sense of emergency it created, has stimulated the emergence of distinct segments within the Italian reception system functioning according to

radically different philosophies and objectives. This, in addition to increasing the overall lack of consistency of the system, is having a profound impact on the rights of asylum seekers, greatly increasing the risk of their spatial and social segregation within Italian society (Campesi 2018, p. 490).

Bourdieu described precariousness as a “mode of domination of a new kind, based on the creation of a generalized and permanent state of insecurity” (Bourdieu cited in Brophy; De Peuter, 2007, p. 183). In this sense, the Italian reception system is an example of an alterity politics of insecurity. A recent Amnesty International report (2022) assessing Italy’s efforts to ensure that its approximately 300,000 irregular-status refugees have access to residence and work permits and health services during the pandemic confirmed Campesi’s contention. According to that analysis, by August 2021, “about 60,000 people had obtained some documentation, about a quarter of the 230,000 who applied, while tens of thousands of applications remained pending” (Amnesty International, 2022, p. 212).

The result of these protracted delays in administrative documentation is that thousands of refugees and displaced individuals have continued to work in exploitative conditions (when they can find employment) and to live in inadequate housing in informal settlements as they await decisions on employment and residence requests. Following a fact-finding visit to Italy in October 2021, the U.N. Working Group on Business and Human Rights provided another related example of alterity politics, “the migrant workers employed in agriculture and the garment and logistics industries [in Italy] were trapped in a cycle of exploitation, debt bondage, and human rights abuses [within the nation]” (Amnesty International 2022, p. 212). As Arendt argued, passports/work permits and even tax receipts are not simply formal documents, but also signs of social distinction.

Campesi (2020) has explored “the peculiarity of Italian policies on immigration detention and their evolution” between 2013-18 and found, “immigration detention in Italy has been ‘reinvented’ (meaning that its functions have somewhat changed) as a consequence of the so-called ‘refugee crisis’ and in light of Italy’s specific position in the contemporary geopolitics of the EU’s border control regime” (Campesi 2020, p. 381). In April 2021, Italy’s National Guarantor for the Rights of Persons Detained or Deprived of Liberty published a critical report summarizing its findings following visits to 10 Italian repatriation centers between 2019 and 2020. The Guarantor condemned legislative and regulatory gaps hindering the protection of the displaced as well as allowing gravely inadequate detention conditions (Amnesty International 2022, p. 212).

In addition, Italian authorities have continued to suppress the activities of individuals and organizations that assist refugees and migrants at its borders, via criminal law and administrative measures.¹ Schumacher has summarized the

¹In September 2021 the Locri tribunal sentenced Mimmo Lucano, former mayor of Riace, Calabria, to 13 years and two months’ imprisonment for maladministration and embezzlement, notwithstanding prosecutors’ acknowledgment that he did not profit from his conduct. He had organized a welcoming reception system for refugees, asylum seekers and migrants for many years. The sentence imposed was nearly double that requested by prosecutors (Amnesty International 2022, p. 213).

character of this sort of government-backed challenge for the displaced and refugees in Italy:

The rise of Italy's coalition government under Matteo Salvini's Lega party and Luigi Di Maio's Five Star Movement in 2018 led Africans who originally immigrated to Italy to flee to other states using Schengen's passport-free movement provisions. For refugees from parlous African and Arab states seeking safe shores, Lega and Five Star was an unlikely partnership that produced a cruel irony: for all their natural opposition, they agreed on closing Italy to non-EU entries no matter the circumstances. ... Even modest plans, like Italy's new government's one that would give residency permits to refugees working in agricultural and domestic jobs, continue to be opposed by Di Maio, now serving as foreign minister (Schumacher 2020).

The Dublin Regulation² Conundrum

The Italian government has “de facto overcome the restrictions imposed by the Dublin Regulation, according to which Italy, as a first EU country of arrival, was supposed to be responsible for the collection and examination of their asylum claims” (Denaro 2016, p. 79). In an analysis of the Italian asylum system, Fullerton has also emphasized what she dubbed, “the current impasse in European asylum policy,” and underscored “the injustice and inefficiencies caused by the European Union (EU) Dublin Regulation” (2022, p. 57). Fullerton argued that inadequacies in the Union's asylum system actively encourage those seeking that status to flee from the states they enter first (Fullerton 2022).

The European Court of Human Rights has acknowledged the dire conditions offered would-be asylees by some state asylum systems and has prohibited EU member nations from using the Dublin Regulation to send such individuals back to the state in which they initially arrived for a decision on their asylum applications. Instead, states that apprehend asylum seekers must now provide them an opportunity to contest their return by presenting evidence that the first EU nation they entered has a deficient asylum system—whether in terms of meeting its obligations to ensure human rights generally or in its provision of needed sustenance and safety (European Commission 2018; European Court Of Human Rights 2021, p. 51). Fullerton has contended that this situation, “creates opportunities for satellite litigation [... and] perverse incentives for member states to respond to the Dublin

²According to the UNHCR, the purpose of this Regulation, adopted in 2003, is to determine which State is responsible for examining an asylum application—normally the State where the asylum seeker first entered the EU—and to make sure that each claim gets a fair examination in one Member State. The ‘Dublin’ system operates on the assumption that, as the asylum laws and practices of the EU States are based on the same common standards, they allow asylum seekers to enjoy similar levels of protection in all EU Member States. However, asylum legislation and practice still vary widely from country to country, causing asylum-seekers to receive different treatment across Europe. In its 2008 evaluation, the European Parliament noted that, in the absence of harmonization, ‘the Dublin system will continue to be unfair both to asylum seekers and to certain Member States.’ The Dublin system increases pressures on the external border regions of the EU and harshly disrupts the lives of those fleeing to Europe for protection. In December 2008, the European Commission proposed amendments to the Dublin Regulation, which were largely welcomed by the European Parliament, ECRE and UNHCR (UNHCR 2019b).

Regulation proceedings by offering individualized relief to the litigants rather than remedying system-wide deficits” (Fullerton 2022, p. 57).

To summarize, Italy, as a first-entry nation for many migrants, has evidenced a politics of alterity at multiple levels. First, through bilateral treaties, the country has sought to limit the number of refugees arriving on its soil. Second, the government has instituted a precarious reception system and adopted unpredictable administrative processes that have discouraged refugee arrivals and asylum applications. Third, the existence of the refugee detention centers and policies regarding those facilities also constitute examples of systematic Othering of the refugee population. Finally, through fearmongering, Italian officials have garnered popular support for limiting refugee access to medical and mental health assistance and social benefits and thereby to economic self-sufficiency.

Malta

Since 2002, when more than 1,600 persons reached its shores from the Mediterranean Sea, Malta, a small island republic and EU member with a population of half a million and a land area of 122 square miles located roughly 100 miles from Tunisia, has experienced a steady stream of irregular immigration from North Africa (Human Rights Council of the United Nations 2018). Although the number of boat arrivals has decreased in recent years, Malta continues to confront the challenge of humanely addressing the needs of displaced individuals and refugees who reach the country in that way or by air. This fact has placed ongoing pressure on the Republic’s financial and human resources. While in absolute terms these numbers may not seem impressive, they take on significance considering Malta’s size and the fact it is the most densely populated EU Member State (Human Rights Council of the United Nations 2018). Malta’s policy responses have included initiation of the first intra-EU relocation programs, the United States Resettlement Program and a mandatory detention policy of up to 12 months for asylum-seekers and 18 months for rejected asylum-seekers—we discuss changes to this policy in 2015 below (Vaughan-Williams and Pisani 2020, p. 657).

According to the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereafter European Committee for the Prevention of Torture (CPT)), prior to 2018, very few of those displaced individuals and asylum seekers who set out to do so, actually reached Malta, in part

due to the *Mare Nostrum* policy³ and bi-lateral agreements with Italy⁴ and the EU, including European maritime rescue operations and Italy's policy of automatic disembarkation of all rescued persons, which resulted in that nation intercepting and receiving many migrants and asylum seekers who might otherwise have reached Malta by sea (European Committee for the Prevention of Torture 2021, p. 6).

According to the Commissioner for Human Rights of The Council of Europe, Dunja Mijatović, following her visit to Malta from October 11-16, 2021, the number of refugee-at-sea rescues decreased after the closure of Malta's ports on April 9, 2020, in response to COVID-19 (Mijatović 2022, p. 14). The UNHCR has confirmed the Commissioner's claim, "Between 1 January and 31 October 2021, there were 607 sea arrivals to Malta. This is a 73 per cent decrease compared to the same period last year (2,256 sea arrivals to Malta from January to October 2020)" (UNHCR 2022b). Relatedly, another factor/strategy that has led to fewer sea arrivals is Malta's decision to ignore distress calls,

It is estimated that [between 2021- 2022] Malta ignored calls of distress and failed to rescue around 7,459 people in distress at sea in its SAR zone. Malta was also accused of being involved in 14 pushbacks for a total of 789 people. These numbers are an estimation based on incidents reported by rescue NGOs and news agencies (European Commission on Refugees and Exiles 2023, p. 23)

Disregarding distress calls by perceived Others to avoid allowing individuals to reach shore is an example of the politics of alterity practiced by the Maltese government in recent years. In May 2021, the Office of the United Nations High Commissioner for Human Rights (OHCHR) expressed concern about the lives of people at sea being endangered by Malta and other EU states by means of delaying rescues and shifting responsibilities for assistance to Libyan authorities. In addition, Amnesty International has argued that Malta's 'Libya First' rescue policy has resulted in a cruel form of double jeopardy; not only are that north African state's authorities less well equipped to provide such search and support, but when they do

³According to the Italian Defense Ministry, "The *Mare Nostrum* Operation was launched by the Italian Government on 18 October 2013, as a military and humanitarian operation aimed at tackling the humanitarian emergency in the Strait of Sicily, due to the dramatic increase in migration flows" (Ministry of Defense of Italy, [s.d.]). Critics of this initiative have contended, "The emphasis of this operation was that of policing *mare nostrum* [our sea]—fingerprinting arrivals, prosecuting smugglers, and deterring further migration. Even so, the humanitarian aspect of the Italian naval operation proved to be unpopular, criticized as a state operated ferry service for migrants" Agbamu, has also argued,

The unpopularity of the operation suggested that the Italian nation no longer had any taste for extending its influence beyond its borders. *Mare Nostrum* was discontinued after a year and replaced with an operation launched in collaboration with the European Union's Frontex Border and Coast Guard Agency. ... To name a securitarian operation after *mos maiorum*, [ancestral custom], sent a clear message—the aim of the Italian navy was no longer to assert its responsibility over its sea, but to protect and regulate social life through adherence to tradition. This meant keeping outsiders outside. Thus, *mos maiorum* signaled Italy's shutting itself off from *mare nostrum* (2019, pp. 270–271).

⁴In its response to the CPT report, the Maltese government claimed, "There are no formal bilateral agreements with Italy in relation to Search and Rescue and related matters. However, the Maltese authorities collaborate with Italian counterparts on an ongoing basis, including on cases of distress calls at sea" (Malta Ministry for Home Affairs, National Security and Law Enforcement 2021, p. 6).

help, the individuals returned home are routinely subjected to abuse (Amnesty International 2022). One example of the humanitarian and human rights crisis this overall stance has created, according to the Commissioner of Human Rights of the Council of Europe, occurred in May-June 2020, “when Malta refused to disembark over 400 rescued migrants whom it kept for several weeks on chartered private vessels outside its territorial waters while trying to secure relocation commitments from other member states” (Mijatović 2022, p. 14). The Commissioner called on Malta’s government to rethink its position concerning the prevention of sea arrivals to the nation:

Although Malta has continued to carry out search and rescue operations, there have been numerous reports of delays and non-response by its Rescue Coordination Centre to distress calls (contested by the authorities), restricted disembarkation of people rescued within the Maltese search and rescue region (SRR), instructions given to commercial ships to return migrants to Libya and refusals by the authorities to provide life-saving assistance to, and allow the safe disembarkation of, migrants rescued by NGO ships (Mijatović 2022, p. 14).

Overall, in 2021, Malta’s rate of international protection (applicants granted Refugee or Subsidiary Protection status) was 5 per cent compared to 13 per cent in 2020. In recent years Libyans, Syrians, and Somalis have comprised the bulk of the nation’s refugee population. According to UNHCR, Malta ‘closed’ a high number of cases in the last two years (74 per cent in 2021 and 66 per cent in 2020), which refers to administrative or Dublin application closures, or applications that were explicitly or implicitly withdrawn or otherwise held to be inadmissible (UNHCR 2022b).

According to a report of the Human Rights Council of the UN (2018), in March 2014 the Maltese Government agreed not to detain vulnerable persons, including families with children, pregnant women, and unaccompanied minors. Between 2015 and mid-2018, Malta took various steps to address the humanitarian challenge represented by an increased number of displaced individuals and refugees arriving in the country:

In December 2015, the Ministry for Home Affairs and National Security published the Strategy for the Reception of Asylum Seekers and Irregular Migrants following a public consultation process [...] The Strategy established a reception system based on three different stages of accommodation for asylum seekers and irregular migrants, namely: Initial Reception Centers (IRCs); Closed (Detention) Centers; and Open Centers. The period of stay at the Initial Reception Facility is ordinarily to be limited to no more than 7 days; although the period of stay may be longer if health-related considerations so dictate. Asylum seekers released from the Initial Reception Facility or from Detention are, if no alternative accommodation arrangements are available to them, offered accommodation at Open Centers. ... for not more than 12 months unless humanitarian considerations dictate otherwise. ... (Human Rights Council of the United Nations 2018, p. 10).

In principle, as the CPT report claimed, these actions moved Malta away from immediately detaining all individuals who entered the country irregularly. At least

nominally, the reforms established processes by which refugees could challenge the lawfulness of their detention. The nation's Immigration Appeal Board gained powers to release individuals from detention (European Committee for the Prevention of Torture 2021). The new process called for,

[...] an initial review of the detention after a period of seven working days. ... The Immigration Appeals Board shall grant release when detention is no longer requested. An applicant should be provided with free legal assistance and representation during the review of the lawfulness of his or her detention (Human Rights Council 2016, p. 2).

Moreover, Malta undertook related institutional reforms, including restructuring its Office of Commissioner for Refugees in August 2020, to enable it to address a backlog of more than 4,000 asylum claims that had accumulated since 2016 (European Committee for the Prevention of Torture 2021).

However, in practice, most of the displaced persons coming to the Republic's shores, including the especially vulnerable individuals in the categories noted above, have been housed in detention centers, due to a lack of space in open centers or other alternatives. This has occurred even though the number of so-called irregular arrivals to Malta decreased in 2020 and 2021. Following a rise in sea arrivals in 2018 (about 1,445 persons) and a peak in 2019 (totaling 3,406 persons), Malta saw a decline in such entries in 2020 (2,281 persons) and a further substantial reduction in 2021 (Mijatović 2022).

In addition, according to a recent Amnesty International analysis, Malta has continued to detain refugees and asylum seekers in sub-standard, unsanitary conditions (Amnesty International 2022). A March 2021 CPT report on the visit it carried out (from September 17-22, 2020) to various centers, including the Hermes Block and Safi Detention Centre in Malta, expressed concerns over the legality, conditions (access to health care and sanitation especially) and length of detention for numerous individuals in those facilities:

As of 22 September 2020, the legal basis for the deprivation of liberty of the 1,400 persons in detention comprised: (i) immigration detention orders (110 persons), (ii) removal orders (96 persons) and Dublin detention orders (6 persons); and (iii) 1,188 persons, on public health grounds. Thus, over 90 per cent are detained on public health grounds upon arrival, based on Malta's Public Health Ordinance. ... It lasts for many months without review, and the migrants concerned are confined for 23 to 24 hours per day in their accommodation units (European Committee for the Prevention of Torture 2021, pp. 8-9).

In her interviews with several migrants at the Safi Detention Centre, the Commissioner for Human Rights of The Council of Europe uncovered worrisome conditions and practices:

about poor health care, in particular as regards the availability of adequate medication. The majority had been vaccinated against COVID-19 but were not wearing masks. They also reported being handcuffed while taking walks (a migrant woman) or while being escorted to medical checks. Many voiced their anguish at not knowing the reasons for their detention and their despair in the face of an uncertain future. ... They

also complained about not being able to obtain information about their situation and to access legal assistance and other support (Mijatović 2022, p. 17).

The CPT report described a system of ‘institutional mass neglect,’ inhuman and degrading treatment, and excessive use of force. Both the CPT and the Commissioner for Human Rights urged Maltese authorities to reconsider their immigration detention policy and to ensure dignified conditions in their refugee centers.

Criminalization of migration is the primary form of the politics of alterity practiced in Malta. Mayo and Pisani concluded that neoliberal logic was the culprit for this situation:

The global structuring economic forces are ensuring the ready availability of an underpaid and grossly exploited reserve or alternative army of labour to accommodate capitalist interests - depressing local wages and therefore labour costs [...]. A trade union official from Malta denounced the practice, among ‘bad employers,’ to hire ‘two Africans for the price of one Maltese,’ stating that businessmen do not care a hoot ‘about nationals or nationalism’ as ‘It’s about money’ (Mayo and Pisani 2022, pp. 68–69).

Criminalization of migrants has had severe implications in Malta. Similar to Italy, in Malta alterity politics has fanned the flames of racism and xenophobia, especially concerning Muslims who are routinely portrayed in the media as potential recruits for terrorist organizations. This fear-based security discourse has nurtured refugee criminalization (Mayo and Pisani 2022).

More, this rhetoric constantly contends that refugees pose a threat to employment (Rizzo 2018, p. 159), despite the fact that they typically fill jobs avoided by the native-born population. These assertions have fomented an ‘us and ‘Other’ binary leading to misplaced alliances between autochthonous workers and employers against “the competition” (Mayo 2022).

More deeply, the criminalization of migrants deepens the trauma they have already endured and can negatively affect their mental health. For example, Frederick Oforu, 33, a Ghanaian national, was found dead by strangulation in a building in Malta in February 2017. Prior to his death, “He left a recorded message for friends explaining his despair, saying he was being forced to feel like a criminal when he had done no wrong”

Finally, and sadly, the Maltese media too rarely portray refugees as human beings. As Mayo & Pisani have remarked (2023, p. 11) in Malta, “certain persons are accorded the right to work and live while others continue to be disposable, erased from the index of human concerns. One can dare say that their identities can be subsumed under the term ‘migrants’”.

Conclusions

We anchored this brief review of Italian and Maltese policy reactions to immigration of refugees and displaced individuals with Arendt’s signal insight into the politics of alterity, that ultimately, these vulnerable populations are especially

dependent on officials' willingness to ensure that their human rights are protected in the difficult straits in which they find themselves. We also highlighted Arendt's argument that the peculiar reality of modern-day refugeedom is the result of societal willingness to other and discriminate against minorities and targeted groups on an array of bases that together, as she observed, allow those populations to "kill men without any bloodshed; since passports or birth certificates, and sometimes even income tax receipts, are no longer formal papers but matters of social distinction" (Arendt [1943] 2008, pp. 268–269). The deep irony in juxtaposing these insights seems clear. On the one hand, today's societies have created large, displaced populations at an astonishing pace and left them in a peculiarly bereft status by both practicing alterity and simultaneously choosing to organize human political, social, and economic relationships via nations. On the other hand, and paradoxically, only the populations that have proven so willing so often to create refugees by discriminating against specific groups can be looked to, to set matters right and to protect the human rights of those left without homes or standing or both by conflicts, strife, or demagoguery through no fault of their own.

We have argued that the Italian and Maltese governments have exemplified Arendt and Levi's arguments in recent years as they have sought to avoid responsibility to assist the displaced and/or have mistreated them, sometimes cruelly, through bilateral agreements with third nations to prevent their landing, housing them in detention centers characterized by inhumane conditions, returning them to the dangerous conditions they had fled, ignoring their distress calls while in perilous situations at sea, blaming them unfairly for concerns they did not create and portraying them as criminal and economic threats and mobilizing fear and anger towards them. In these actions, no doubt, officials in these two countries have hardly been alone—they were certainly joined by many other European Union nations as well as the United States and Australia, among others. We take some solace in the fact that there are institutions, including those whose work we have cited here, seeking to call these states to account for their treatment of refugees. While this demand to adhere to normatively powerful abstract claims is surely an essential factor for the protection of this fragile population, it is often in contest with the illiberal fears, nationalism, and quest for power of populations or popular groups seeking to set aside such values. In short, one may rightly conceive of what is daily occurring in Italy and Malta, as those states make choices concerning whether to honor the human rights of the displaced, as a struggle for the hearts and minds of those nation's citizenries.

Based on the evidence we have surveyed of these government's actions toward refugees and the sustenance of their human rights in recent years, we conclude that Arendt was right when she wrote in 1951, and remains correct today that, "It is by no means certain whether this [ensuring the human rights of the displaced] is possible" (Arendt 1979, pp. 296–297). As has been the case in recent Italian law and policy, realizing that possibility is by no means a linear process tending toward ensuring human rights. Nonetheless, efforts to secure that possibility, however difficult, surely redound to freedom and human dignity and therefore are worthy of constant pursuit. Our review of recent Italian and Maltese refugee policy and actions cautions, however, that those seeking such outcomes should be prepared for a

Sisyphean quest. Indeed, we employed the French phrase, “plus ça change,” referencing the apparent immutability of human behavior, in our title to highlight the difficulties implicit in confronting humankind’s disposition to other based on perceived differences of all sorts. In our view, that fact should steel those active in ensuring the rights of the displaced for the challenges that alterity represents, rather than daunt them from seeking to address them.

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