

**A Comparative Analysis of Immigration Law: The Politics and Polarization of U.S. and
Italian Systems, 2015-Present**

Completed by Jason Gordon

Presented to the Undergraduate Honors Thesis Committee at the Jeb E. Brooks School of Public Policy

Completed under the supervision of:
Alexandra Dufresne, Professor of the Practice
Sharon Sassler, Professor
Matthew Hall, Professor
Shannon Gleeson, Professor

May 17, 2024

Abstract

The political systems of Italy and the United States allow for varying levels of discretion in passing exclusionary immigration policies. These policies have attempted to detain larger numbers of migrants, along with passing integration policies that place a large burden on migrant populations to assimilate in inflammatory political atmospheres. The role of the news media in injecting opinion into the political process, and influencing public opinion, remains an enduring feature of the immigration systems of both countries. Work exploring the role of media, and political structures, in influencing immigration policy is divided in understanding if media influences politics or the reverse. This paper explores how the media unified a largely decentralized Italy to unite against what are seen as foreign migration threats, and how a bipartisan American system creates a healthy debate in regards to immigration policy, that largely circumvents the influence of politicized media.

Introduction

One of the most important facets of a government is its immigration system. The government owes it to its people to defend against foreign threats, while also providing a legal process for a variety of people to enter – from those seeking asylum, to those reuniting with family, to those searching for work or educational attainment. Immigration can be a bridge for many to gain upward mobility, maintain safety for themselves or their families, and foster a diverse population. To attend to all immigration demands, governments must act with a certain level of discretion that prioritizes the needs of their country. Immigration is a constant duty for the government, requiring continuous review from the many applicants who hope to enter. This duty also bestows a great deal of power to the government in choosing exactly how to prioritize national interests when weighed with possible global influences.

In recent years, anti-immigrant, exclusionary policies are becoming the norm for many EU countries, as well as the U.S. This has made immigration to each region difficult for many, irregardless of personal circumstances. Governments are overwhelmed by migration flows, with

the EU seeing large increases in irregular border crossings in 2023 to levels not seen in Europe since 2016, at the height of the Syrian Refugee Crisis (Frontex, 2023). Irregular border crossings are considered any unlawful entry without going through government channels. With this, the EU has faced many calls from member states who seek to develop more stringent migration policy that will address this strain.

A peninsula in the central Mediterranean Sea, Italy remains a “first-stop” for many immigrants from North Africa and the Middle East. Italy faces an internal need to both defend and manage immigration, while working in collaboration with other EU member states, located further north, perhaps more untouched by immigration flows from these areas. Xenophobic politicians such as Matteo Salvini, the Deputy Prime Minister of Italy and Prime Minister Giorgia Meloni under Italy’s far right-wing government (Balmer, 2022), have proposed changes to Italy’s law that may mark some of Europe’s most extreme immigration policies yet. The divide between Southern Italy, depressed and undeveloped in comparison to larger cities in Northern Italy, has emboldened fear of foreign-born, ethnically diverse people and loss of job opportunities especially apparent in the South (Carbonaro, 2023).

Many of the anti-immigrant sentiment is also perpetuated by Italy’s leaders, and can often be quite personal. Giorgia Meloni, the Italian Prime Minister and ruling member of Italy’s ruling *Fratelli d’Italia* party in parliament, has not censored her anti-immigrant views, rather propagating theories that liken immigration as a “plan for ethnic substitution,” of European citizens, and an “invasion” (Vohra, 2023). This rhetoric may allow the Italian Electorate to feel empowered to vote in more isolationist ways, and may create more fear in foreign-born communities across Italy. When such speech is normalized, immigrant communities face an even greater level of fear when citizens are given permission by their leaders to treat their immigrant neighbors and peers in a certain way.

The U.S. shares many similarities with Italy in regards to increases in immigration levels and a heated political climate due to what many see as a migration crisis. There were 2.5 million

encounters with migrants on the U.S. border in FY2023, marking a record high for migration to the U.S. in its recorded history (Putzel-Kavanaugh and Ruiz Soto, 2023). This is after the controversial lifting of Title 42, a policy that halted immigration on the Southern Border, leading to an influx of migration flows (Putzel-Kavanaugh and Ruiz Soto, 2023). The U.S. is much more dynamic in its immigration policy than Italy, being that it is not part of the EU or any other political or economic union, it doesn't need to abide by another set of rules in regards to immigration. The Plenary Power Doctrine established in *Chae Chan Ping v United States* holds that the executive and legislative branch, rather than the judiciary, must govern all matters of immigration and national security. This effectively means that immigration has been relegated to a largely political process and to the woes of the electorate.

Recognizing the relevancy of immigration on the politics of both countries, and complexities of governance in both countries, this paper will explore two policy levers that work in concert to facilitate the passage of exclusionary immigration. The first perspective asks how the press can influence the exclusionary immigration legislation passed. The press possesses wide influence over who wins elections, and how the public interprets the immigration situation in both countries. With immigration being so inextricably linked to the politics of each country, this paper also asks the extent to which each country allows, or endows a right, to leaders, certain parties, or agencies to amend and pass legislation. This perspective on political feasibility explores how the structures of each immigration system impede on the ability for leaders to achieve their exclusionary intentions. In Italy, immigration law is passed by legislative decree, requiring a majority vote in Parliament. The executive cannot simply pass laws as they wish. In the U.S., the President holds greater power over the immigration system, with the ability to pass certain policies by Executive Order, and the administration of the system being housed in the Department of Homeland Security, an executive agency. The structures of each country influence the extent to which these leaders can succeed in passing certain laws, and will likely have vastly different outcomes in the strictness of laws that are eventually passed. The

differences in each system can mean a difference in public opinion as well, with immigration being perhaps tied more to the behavior of the President in the United States, where in Italy, it is passed by Parliament and thus is the responsibility of a unified body of elected officials. The comparison between the two countries is pertinent in understanding how geopolitical aspects of each country affect the available methods to address immigration, and the external incentives they get from neighbors, or one another to legislate in a certain way.

Literature Review

Constant news cycles have become an important defining factor in the passage of anti-immigrant, exclusionary policy in Italy and the U.S. The accessibility of news in recent years has increased, with social media being a source of news for many, and the continuous diffusion of pictures and videos of border crossings, and migrant ships, influencing the opinions of voters in enormous ways unseen before. The pathways in which the media actually facilitates the changes that we have seen in the immigration process has been studied by researchers in depth. Previous theories have offered a variety of perspectives on exactly how the media formulates the public's opinion on immigration, and the extent to which polarization is created from this reporting. First, it is widely accepted that controversial mediums that go beyond the written word, i.e. in the form of photos, videos, or audio interviews are better at effectuating change in public opinion on the immigration front (Guo et al., 2023). Over this 2015-2024 period, one of the major, novel ways that the news is diffused in society is through social media channels that are easily accessible and in competition with other content that clutters the screens of readers. Due to this demand for quick, viewer-worthy content on social media, there has been less focus on objective reporting, and has encouraged the inception of partisan media sources and increased misinformation offered by these organizations. Guo argues that "exposure to certain frames in the mainstream media would directly lead to public support for a stricter immigration policy" and adds an important point about how "partisan media tend to affect

public opinion indirectly by influencing their feelings toward immigrants in opposite directions" influencing results as a result (Guo et. al, p. 1, 2023).

The polarization of news media has also become harder to pinpoint, as news sources have developed more innovative ways to insert their opinion into the media they distribute. Valente et al. found that it is possible to recognize differences in papers that are more liberal or conservative-friendly, in France, Greece and the UK, but that the media that has been distributed does not reflect a change in narrative from past years (Valente, et al. 2021). Essentially, they conclude that the influence to which the media holds over immigration is not one that is due to more powerful, or controversial media content, but rather more acceptance of these media sources rather than more neutral sources. This paper fills an important gap in using both political feasibility to understand how a country's political system equally influences public opinion. That is, liberal newspapers may get more popularity in a country with a two party system, like in the U.S., but also for the possibility of the reverse as well, in that polarized media can unite or realign a multi-party system, such as in Italy.

In understanding how media actually influences its audience, this has evolved over this period as well. Wojcieszak et al. found that "issue understanding, anger, positive emotions, and attitude strength" are the aspects of partisan media that influence the viewer the most, and represent the reasons why a viewer may choose to watch partisan media over a neutral news source (Wojcieszak et al., 2015). The power of these mechanisms are underscored by researchers, with a specific lack of research that understands 1) the inflated influence of media in the age of social media when it comes to politics and partisan issues, as well as 2) the specific connection that this modern style of presenting the news has as it relates to immigration issues. There is now more of a relationship between the viewer and the news source, where a viewers' need to confirm their views is met by the source's understanding of not only what their viewer thinks, but how and when they think it. The combination of studying political feasibility as

well as the behaviors of Italy and the U.S.'s most popular news sources will hopefully paint a more accurate picture of how people form their views on immigration.

The U.S. and Italy are opposed in one major way in immigration, and that is with the President's Administrative Authority to pass Executive Actions on Immigration combined with the lack of legislation from Congress in immigration-matters. Many articles assess the impact that the President's executive power has on the passage of certain immigration policy, but it is unclear exactly if there is an underpinning for how a president prioritizes immigration issues, and very few articles that explore a president's behavior in relation to timeline or recent global events that may cause displacement. Cox et al. found that enforcement discretion has been afforded to the President, both constitutionally and due to political dynamics. They find that it is "unwise to use constitutional law to limit the President's authority over how to organize enforcement bureaucracy" due to the fact that the President has already been afforded so much rule-making power due to the lack of action on the part of Congress, and that their administrative power is centered in just this: rule-making and administration of immigration matters, rather than making sweeping changes to entry policy (Cox et al., p. 1, 2015). The amazing amount of power that a President holds in ruling on immigration matters the way they alone see fit can spell disparate impacts in the public. One, the emotions of a campaign and the personal connections that one may have to one candidate, either by preference or connection on other issues, may make you more likely to agree with their immigration policy especially if you do not have a strong opinion initially. Two, this means that the President is held fully responsible for any unintended or unpopular consequences to his/her immigration policy, and the partisan media from the other side, and will surely hold them accountable.

Some disagree with this blanket power that should be afforded to the President, due to the nature of policies that have been passed in recent years. David Bier studies current immigration policy and the aspects of the political system in the U.S. that have led to the enactment of such legislation. He claims that overt Presidential authority as seen in recent years

in immigration has led to restrictive and inflexible immigration policy (Bier, 2020). One important aspect that Bier highlights is the need to dispel “repeated congressional to correct [Presidential] mistakes” picking up on an important political nuance that the U.S. continues to face (Bier, p. 19-20, 2020). Also, immigration is a constantly changing issue that requires a country to be versatile in how they handle the needs of immigrants. This also means that a country may base their immigration policies off of a country nearby, either in positive regard for their immigration policies, or to protect against migration flows from there. David Cook-Martin found that weaker countries in Latin America and part of Africa specifically passed anti-discriminatory immigration policies that went directly against the wishes of larger countries who are endowed with more responsibility on this front. Cook-Martin argues that the reason that exclusionary policies have been so popular, especially in recent years, due to the lack of policies of other countries, or the need for management of flows of migrants from countries that do not have formalized visa programs with the United States and/or Italy. Third, the EU is an interesting immigration case in that 27 countries are required to abide by EU-legislation, such as the recent package policies under the Migration and Asylum Pact. The role of a nation-state, the idea that a state is home to a certain nation of ancestral relation. Italy is one of the foremost examples of a nation-state in modern Europe, with citizenship policies that facilitate an expedited process for those of Italian Blood. Although the U.S. States hold minimal governance over immigration, there is some effect of this in the U.S. as well. The international relations of countries in the EU is another consideration that influences the immigration policies that Italy passes. Martin Schain found that the role of nation-states in Europe have dictated individual country-level policies that are much more exaggerated than what was required based on migration flows over the last 20 years (Schain, 2009). This means that a country has gone much further than needed to protect their nation against real threats, and perhaps has gotten here because of the persistent, unwavering nationalism that citizens of EU countries possess for their individual countries.

Demographic theories can also explain when a country is more open to immigrants from other countries, compared to passing more restrictive policies. Italy was initially a sender nation, meaning that it had a higher rate of people that are leaving the country rather than entering (Choate, 2008). He explains further that “Italian society, culture, and politics relied upon a shifting population base, as emigrants moved between countries and continents or returned home, taking social and economic resources with them” (Choate, 2008, p. 4). It is that last point about taking social and economic resources that is the most compelling reason for a widespread popularity of pro-immigrant policies, especially when a country is in this situation.

Figure 1: Replacement Rate, Total Fertility Rate in Italy, U.S. (2023)

	Total Fertility Rate	Replacement Rate
Italy	1.4 Births Per Woman	2.2 Births Per Woman
U.S.	1.9 Births Per Woman	2.1 Births Per Woman

Source: United Nations, World Bank

The literature is split on whether these demographic needs for a country are what drives people to move there. First, there is no consensus that these needs in fertility are achieved through migration. Michael Piore’s *Birds of Passage* explores how people often migrate wholly due to work-related opportunities, and not necessarily for a permanent period of time (Piore, 1979). He studies the inception of working programs in the U.S., such as the Bracero, which allows people to immigrate temporarily to the U.S. which benefits both the U.S. economy, but also the financial health of immigrants looking for similar experiences. A recent study completed through the United Nations explores this concept in greater depth, as it relates to fertility. They found that people from lower-income countries will soon experience a demographic shift in their countries, seeing lower fertility than past seen by countries in this economic class, and the possible return home that immigrants from these countries may now have to make because of these connections. This paper will fill in this gap in the literature, analyzing articles to see what

issues are most important for people, through viewership, and in seeing the controversial opinions expressed in partisan media that relates to race, diversity and needs of the country.

After digesting the literature, it can be stated that the media has an amazing influence over the public opinion on immigrants, but also the popularity and acceptance for restrictive immigration policy. This paper will seek to explore whether the media, or political motivations, are a larger influence on these policies, but also through which avenue is it easier to pass these policies. A popularity for an American President is unique to a popularity for a political party in a crowded Italian Parliament. But the U.S.'s two party system, and use of partisan media, has also worked to moderate immigration policy towards either side. Thus, it is predicted that immigration has been more extreme in Italy due to the alignment of political parties on the need for immigration policy, and more moderate in the U.S. through the constant controversies that surround immigration policy in politics and media circles.

Methods

This paper will be a comparative analysis of the immigration systems of Italy and the U.S. from 2015 to 2024. The rationale in selecting 2015 as the start date for the scope of this study is because of the heightened migration flows that were seen due to the Syrian Civil War. This war is especially significant due to its massive displacement of civilians who sought an environment that was safe and free of political unrest. A comparative analysis of the two systems will highlight the legislation that was passed by either country in regards to immigration, to assess similarities between the two and the mechanisms for enforcement that are written into any bill. This paper will use three case studies, that of asylum law, detention law, as well as family reunification policies. Comparing the two countries in this fashion will allow for a tight, demonstrable analysis of how these influences have festered in either country. The extent to which a piece of legislation, or executive action, is exclusionary will relate to the language of the bill itself, departures from any precedent, and the implications that it will have on entry. The

close analysis of this legislation will also present any clear disparities in the actual strictness of the bill and the way that the public, and the press, interpret such legislation.

The first analysis completed in this paper will be a meta-literature review of the two most popular daily newspaper publications in Italy and the United States, to analyze the incentives that political leaders receive from the press and the public in elections and the passage of legislation. The press itself is an important agent in the political process, both being influenced by legislation and also influencing the popularity of certain legislation, by either increasing or decreasing their likelihood of passage. The two leading daily newspapers in Italy in 2023 were *Corriere della Sera* and *La Repubblica* (Statista, 2023). In the United States, the two leading daily newspapers were the *Wall Street Journal* and the *New York Times* (Statista, 2023). In all four newspapers, any articles published on immigration 2015-present will have information collected as to the year of publication, whether it was an opinion article, whether it was an objective report, and amount of immigration-related articles by year. This information is crucial in understanding how the opinion of the most popular institutions for public information, daily press publications, correspond to the enactment of immigration legislation over the 2015-2024 period. 2024 will be dropped from the analysis, as this paper will be completed with less than half the year complete. This information will then be presented in a comparative way to assess the influence of the press in both countries, recognizing trends across the two.

The second analysis completed in this paper will be a review of the presidential and parliamentary structures of each country to analyze the way that this structure affects how and when action can be taken. This analysis will look at the legislation and executive action enacted in the 2015-2024 period and gather information on the amount of executive actions that have been passed versus legislative action, and whether this has changed over the period. This analysis will address the power that elected officials hold in each country, and whether the tools that these leaders are given stunt or expand their legislative aspirations in immigration. There are large differences in the available tools to pass immigration policy in either country due to the

powers endowed to certain elected roles, and possess differences in the behavior of these officials as well. Often, a prime minister may be more beholden to the viewpoint of the ruling party, or need to ally with other parties to pass legislation, where an executive can issue an action effectively subjugating power in immigration policy to one person. The extent to which one can realize the extent of their immigration enforcement aspirations can be limited by the nature of their elected role, a crucial element of the political system as it relates to immigration. The information on the enacted legislation and executive orders will then be aggregated and presented comparatively to assess how sustainable certain immigration policy is, and which laws were the most successful in each system.

In completing this paper, my Italian language ability was used to decipher Italian Legal Code as well as popular news articles written in Italian. Italian vocabulary relating to the variables presented above were translated to English for the purposes of this study. All Italian law was gathered from giurisprudenza.it, or various publications that have been published by Italian NGO's, and the Stanford-ETH Zurich Immigration Policy Lab. All U.S. law was gathered from Justia, Oyez, and the Federal Register for Executive Orders. Comparative analyses written in a variety of U.S. Law Reviews were used to structure this study, and to certify dates and enactment procedures for both Italian and U.S. Laws passed in the 2015-2024 period.

History

Asylum Laws in the U.S. and Italy

Asylum law is the body of policies that govern a person's right to claim entry into a country due to a reason of safety, or habitability. The U.S. began developing asylum policies in 1948, with the passing of the Displaced Persons Act, following World War II (U.S. Refugee Timeline, 2024). It involved a process for Soviet Citizens who fought with allied forces to claim asylum in the U.S. from what were viewed as repressive Stalinist policies. Since then, the U.S. has experienced natural ebbs and flows in the number of asylum applications with the establishment of an application ceiling by the Department of Homeland Security. The asylum

application ceiling is one that is set by this agency, under the direction of the President of the United States (8 U.S.C. § 1157 2024). This ceiling is set annually. The same section of the statute allows the President to also admit certain populations that are of “special humanitarian concern” to the U.S., as exercised by President Joe Biden in 2022 providing an extra 100,000 spaces for Ukrainian refugees affected by the Ukrainian-Russian War (8 U.S.C. § 1157 2024). U.S. Asylum Law also vests the power of administration of the refugee system in the hands of the Attorney General, which includes the application review and decision-making process.

The U.S. defines a refugee as any person who has credible fear of persecution on the account of race, religion, nationality, membership in a social group, or political opinion (8 U.S.C. § 1157(42) 2024). The U.S. only uses these five defined categories to make an educated decision on whether someone would qualify for asylum. The U.S. requires applicants to apply within their first year of entry into the U.S., and also allows for a second review on asylum applications after a denial. The U.S. also allows the President to halt asylum procedure whenever they deem necessary to the safety and national welfare of the United States. This was observed with President Trump’s use of Title 42, a Public Health Law that suspended all migration to the U.S. and severely limited the refugee ceiling as a matter of national interest. President Trump also implemented what he deemed a “Travel Ban” on migration from nine countries in the Middle East, as a matter of national interest. President Biden later repealed Title 42, in 2022, after the COVID-19 Pandemic mortality rate slowed, and the order would no longer be of valid use.

Italy follows all EU policies regarding asylum, implying a level of oversight that isn’t seen in the United States. Italy must work within the framework of 26 countries, with 26 independent motivations and geographical nuances. Italy’s proximity to Northern Africa, the Italian Islands of Lampedusa and Linosa, are geographically closer to Africa than the Italian Mainland, as well as the Middle East, puts them in a precarious spot as it pertains to asylum law. Per the Dublin Regulation, the first EU member state where asylum seekers arrive must process their

applications and provide protection to those who are entitled to it. Recent Italian Legislation has attempted to make asylum procedures more strict, while increasing government control over detention and deportation. In 2017, the Italian Parliament passed the Minniti-Orlando Decree which distinguished asylum seekers (i.e. those with credible fear of return to country of origin) from those who are unauthorized or enter in irregular ways, but abolished the right to second appeal for asylum applications (Graziosi, et al., 2017).

Then, in 2020, the Cutro Decree was passed which allowed the Italian Government to detain asylum seekers who have evaded border controls, or are from Albania, Algeria, Bosnia and Herzegovina, Cape Verde, Ivory Coast, Gambia, Georgia, Ghana, Kosovo, Northern Macedonia, Morocco, Montenegro, Nigeria, Senegal, Serbia and Tunisia, without a valid passport or financial means to pay the guarantee for admission. The guarantee in 2023 to avoid an extended asylum application process is 4,938 euros (*Refugee.Info*, 2023). Finally, in 2023, the Cutro Decree was further amended to include the construction of more migrant detention centers in Italy, along a recent approval in Albanian Courts for detention centers in Albania to house the overflow of refugee detainment needs of the Italian Government (Povoledo et al., 2024). This order is highly controversial, because it is unclear if it is permissible under International and EU Law due to the policy of “refoulement,” which requires the first destination of any refugee to provide an adequate, in-country asylum review, free from the threat of deportation to any other place before this procedure is completed (Povoledo et al., 2024).

The differences in U.S. and Italian Asylum Law are not large. Both countries require a government agency to review applications based on credible fear, or need of protection from persecution, but offer a concrete avenue for people to do so. There are no systemic issues in the law that should restrict a person who has a valid asylum claim from receiving asylum, it is merely administrative issues that present a larger problem. For example, Italy has a financial guarantee that allows refugees to “pay their way” through the review process, which in the U.S. is not allowed. However, in the U.S., asylees with financial or social resources could perhaps

afford better counsel, which will give them a leg up in their process. What is marked by both systems is an extremely long wait time for applications to process.

Figure 1: Average Waiting Time for Asylum Claims in Italy, U.S. (2023)

Italy	180-365 Days
U.S.	1016 Days

Source: Trac Immigration Statistics Database, Syracuse University; Asylum Information Database (AIDA)

The long wait times for processing that are viewed in both countries gives these populations more time in limbo, perhaps with the inability to obtain a permanent residence, or employment opportunity. The overpolicing of migrant communities also implies that there is a greater risk of waiting this time in detention (Harvard Law Review, 2015). Also, the chances for success in pursuing asylum claims is not always clear. In Fiscal Years 2022 and 2023, only about 55% of people seeking asylum in the U.S. were given favorable determinations (Gendelman, 2023). In Italy, although immigrant status is defined differently, the favorable determinations for asylum was only around 47% (ANSA, 2023). These rates are not high enough for those taking part in the process to have faith in their chances, and these considerations prove that long-standing immigration procedures governing asylum arguably fail to provide security to the public that the situation is being managed effectively.

Detention Laws in the U.S. and Italy

Detention laws dictate the cases in which a government is allowed to detain immigrants based on their conduct prior to entry, after entry, and to promote compliance with court attendance. Detention is governed differently in the U.S. than it is in Italy. In the U.S., detention is allowed to examine a person for physical/mental condition, due to criminal activity, or for removal (8 U.S.C. § 1231 2024). This length of time can be extended if a person does not make timely arrangements for travel, or pursue the correct documentation when needed. If the person is ordered removed and fails to deport, they can also be taken into custody. In the U.S., asylum seekers and immigrants, here for any period of time, can be brought to criminal court for any

crimes committed during their time here (8 U.S.C. § 1231 2024). They must finish out their sentence before they are detained in immigration detention to be removed. All immigration detention facilities are nationally-owned, or contracted, facilities that are separated to house only those of noncitizen status, and for immigration-related matters. The Federal Government is allowed to contract with local jails and state prisons for the purposes of immigration detention, unless barred to do so by the state.

The procedures in Italy for detention are quite different. First, the law only allows people to be detained in Pre-Removal Detention Centers (CPR) for up to four months. Italy makes it unlawful for people to be held past this 120-day period (Decreto No. 286/1998). There are also fewer detention centers, with only ten centers being managed by the Italian Government for immigration-related purposes (Esposito and Fili, 2022). When someone is put into detention, it is ordered by the Guardia di Finanza or Guardia di Costiere (Border and Coast Police), and it is validated by a lay judge, the lowest level judge in the Italian Judiciary, similar to a Civil Court Judge in the United States. Trump's expansion of ICE under the Department of Homeland Security saw more arrests based on the illegal status that many possessed, and not for any clear cut crime. In the asylum process, officers are given consular review, outside of the purview of a judge, which puts the risk that an entrant to the United States is detained in the hands of the Border Agent. In Italy, the judge holds full control over who is detained, after ascertaining what the risk is that a person may not follow an eventual order or removal (Decreto No. 286/1998). Many Italian Judges will simply validate the order, and do not have as much vested interest or knowledge in each person's individual case. A recent survey completed in Turin found that a majority of these detention hearings last fewer than five minutes (Landri, et al. 2017). This systematic separation between judge's making the judgment on detention is important, however, because border agents who make this decision in the U.S. may not have a valid reason to detain people, or have different motivations in doing so, rather than simply enforcing the law.

Also, the complete and full ownership of all detention facilities in Italy also spells disparities when compared to the U.S. in the public's perception of the need and/or effectiveness of immigration detention. In the U.S., the use of local officials to arrest and detain migrants is allowed under Section 287-g of the Immigration and Nationality Act. As previously mentioned, the U.S. is also allowed to utilize state and local jails for the purposes of immigration detention. This may mean that people have more regular interactions with immigrants, either through employment at these facilities, through the local police department, or the impacts that increased police presence can have on a community. In Italy, this is kept more in the background, with more separation between the public and the government when it comes to the administration of the immigration system and detention. In Italy, local jails are only in use by Italian Citizens who faced criminal trials, and there are separate police forces for immigration-related matters and regular criminal arrests.

Family Reunification Policies in Italy and the U.S.

Under the Obama Administration, many policies that prioritized keeping families together, as well as policies that governed those who immigrated as children. DACA (Deferred Action for Childhood Arrivals) was a program established by Executive Order in June 2012 by President Obama to allow individuals who entered the United States as children to receive certain exceptions from deportation for an extended time, if their circumstances meet certain criteria (8 CFR § 236.21 2022). Two years later, DAPA (Deferred Action for Parents of U.S. Citizens and Legal Residents) was enacted by Executive Order to allow the an extended period of relief from deportation for parents of U.S. citizens or lawful permanent residents, and provided them with permits to work, if they arrived in the U.S. before January 1, 2020 and did not pose a threat to the U.S (8 CFR § 236.21 2022). Both of these programs were revolutionary policies that redefined the experience for immigrants and their families in the United States, marking the largest change in immigration policy in the country since the 1986 Immigration Control and Reform Act.

Upon enactment, applications for the programs rose immensely, and children who were otherwise “American” (i.e. attended school in the U.S., only have memories of their home in the U.S.) were protected from deportation to a country to which they were virtually unfamiliar. The expansion of DACA and the implementation of DAPA were suspended soon after, in 2016, by a *per curiam* ruling of the Supreme Court of the United States, with the justices directly split on the issue. This meant that, if DACA were to stay at its initial threshold for applications, and DAPA was never implemented in practice. DACA was then phased out in 2017 by the Trump Administration, and as of 2024, no new applicants for the program have been accepted (8 CFR § 236.21). DAPA was officially ended in June 2017 by the Trump administration by Executive Order (8 CFR § 236.21). Although these programs provided relief for many, the rapidity of immigration policy to go from enactment to repeal creates a state of fear for immigrants who relied or were planning to apply for the program.

Italy is very protective of its nation of people, and has specific guidelines in immigration statutes that allow for family reunification. Any foreign citizen who is married to an Italian citizen, is of Italian blood (by either parent), is allowed to apply for an expedited process to gain Italian Citizenship (Decreto No. 286/1998). The laws that allow for family reunification first provide that foreign national with a special immigrant visa that allows them to travel freely to and within Italy. They are also allowed to apply for this special visa if they are in Italy currently on an EU Residence Card, which is only a temporary, time-sensitive immigration visa. The Italian Laws prioritize connection to the nation.

<i>Fig. 2 Pathways to Citizenship in Italy</i>		
Citizenship Type	Eligibility	Wait Time
Citizenship by Birth/Descent	Of Italian Descent, a proven relation with an Parent or Grandparent of Italian Origin	3 Mo. to 3 Yrs.
Citizenship by Marriage	Spouse with Italian Citizenship	3 Mo. to 3 Yrs.

Citizenship by Naturalization	After applying for permanent residency, naturalization can be achieved through work, investment, education, etc.	Eligible in 4 Yrs, if EU citizen Eligible in 10 Yrs, if non-EU Citizen
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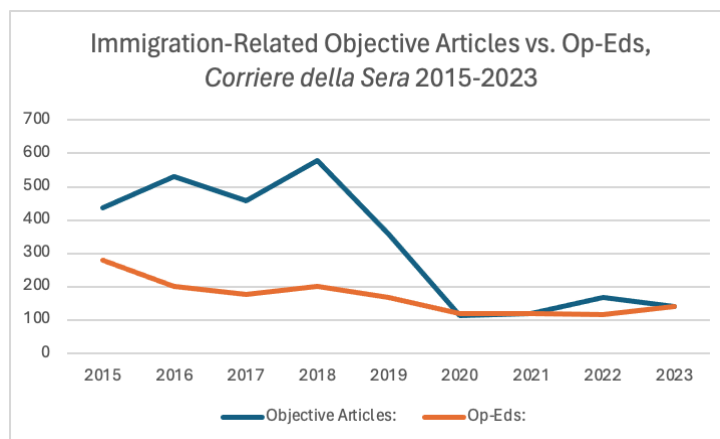
Source(s): (Act 91/1992; IMMIGRATIONITALY, 2022)

This disparity in waiting time for citizenship proceedings demonstrates Italy's clear bias for people of Italian Blood. This contrasts the U.S. strategy in some major ways. First, the U.S. does not have a citizenship by blood category, and rather uses birthright citizenship which has been shot down by Italian Legislators in recent years (Testore, 2022). This means that the U.S. uses other characteristics to pick and choose who enters the country, as demonstrated by the extensive skill-based policies that benefit high-skilled immigrants, and relations to work and existing U.S. citizens. The policies of DACA and DAPA are the most revolutionary examples of how family reunification became a priority for the U.S. Immigration Policy, with President Trump's Department of Homeland Security being scrutinized by the press and the public for separation of children from families at the Southern Border just four short years after these proposals. In 2022, President Biden's Department of Homeland Security announce the department's intention to continue DACA, but the form in which this will occur, and the acceptance of new applications, still has not commenced.

Analysis and Discussion

To understand the influence between the media and public opinion with the passage of exclusionary immigration policy, the first analysis completed in this paper will be a *News Analysis*. The *News Analysis* will compare the op-eds and objective articles published by Italian and U.S. publications that were published in the time before and after the aforementioned major immigration policy changes. *Corriere della Sera* is one of Italy's oldest newspapers, and is the most popular news source for Italians in 2023 (Statista, 2023). *Corriere della Sera* provides a source of neutral media for its viewers, with opinion articles labeled as such, and published at a much lower rate than objective articles that report on recent immigration news (*Corriere della*

Sera, 2023). The figure (Fig. 3) below represents the change in objective articles and op-eds over time published by *Corriere della Sera*, since 2015:



Source: *Corriere della Sera Archivio, Self-Produced Graph*

The Salvini Decree, passed in late-2018, effectively suspended humanitarian permits and marked a departure in Italian Media in producing non-attitudinal publications. In the figure above, there was a marked decrease in the number of objective articles written on immigration-related topics at the end of 2018. Accounting for the COVID-19 pandemic in the 2020-2022 number of publications, there is an equalization of objective and op-ed articles written in *Corriere* that has not returned to its pre-Salvini Decree trends. The articles written by *Corriere* also begin to start adapting more entrancing titles, and enthusiastic language following the Salvini Decree and increasing after Meloni's election to Prime Minister in late-2022 (Corriere della Sera, 2023). Articles will often pick the most controversial tweets of Meloni and Salvini to highlight the most controversial views they hold on immigration policy, even if the remainder of the article is objective. One article in particular written by Cesare Zapperi discusses Salvini's perspective on reducing the level of foreign study visas allowed in Italy, and uses the title "Salvini demands limit of foreign students to 20%" (Zapperi, 2024). Salvini must go through the legislative process to pass any legislation he wishes, and the language used by media sources can have deleterious impacts on how the public views officials, and thus their viewpoints.

Although the article may be objective, the language used to describe one's political views may further an opinion that sets a narrative for the viewers when reading news.

La Repubblica is a popular news source in Italy for younger readers, and holds a strong presence on social media and internet channels. The news source is known for their video specials and the use of compelling photography to report on Italian Immigration. One article entitled "Cutro, a dossier accuses the government: "Italy has intervened in 18 similar cases"" addresses the way that the Cutro Decree has had on the arrivals of migrant ships in the Mediterranean and the ignorance of Italian Authorities in addressing the problem. One of the most compelling aspects of this article is the use of a rusted, old ship, crowded with migrants from North and West Africa, who have been directly affected by the Cutro Decree (Ziniti, 2023). The migrant ships that have transported refugees to Italy are often prohibited from docking due to the Cutro Decree, with many of these ships sinking offshore and have been associated with migrant deaths (Ziniti, 2023). The article goes on to talk about how a migrant ship with 394 people was saved, in cooperation with the Italian Government, but that the Cutro Decree meant that the saved migrants would face extreme procedures when landing in Italy, due to the fact that they were saved outside of the designated waters that Italy claims responsibility for (Ziniti, 2023).

The Wall Street Journal is a news source that was initially known for financial and economic reporting, but has progressed to provide coverage for many social and political issues including immigration policy. In 2017, the Executive Orders that governed a ban on travel from certain Middle Eastern and African Countries were widely covered by both opinion and news articles in the Wall Street Journal. Much like La Repubblica, the Wall Street Journal chooses their language carefully to address issues that are related to immigration, and innovatively weave in tweets and postings of President Trump to highlight his perspectives on the bans. An article entitled "Trump's Tweets Complicate Legal Argument for Travel Ban" published in 2017, was an objective article that addressed the initial judicial challenges that the bans faced and

connected them with tweets that Trump had posted ahead of the injunction. Although tweets are an easy way for a news source to obtain primary views of an elected official, the way in which they write about the tweets are also a source of opinion in an objective article. The tweets explain that Pres. Trump characterized this as a “TRAVEL ban” where in court he spoke directly against this characterization of his order (Palazzolo, 2023). The title of the Order specifically addresses the foreign terroristic threat that these certain countries pose, but the tweets do not reflect this intent. The ways in which the authors weave these tweets into the article are accompanied by terms such as “Trump insisted” and “Trump demanded” when these terms are subjective and imply a certain form of intent that can be argued against, especially if one holds a pro-Trump view when reading (Palazzolo, 2023). The connotations of these words imply that Trump has a certain form of anger, and is impassioned, which is hard to interpret from simple prose, or from the ignorant, quick nature in which people tweet and utilize social media.

The New York Times is one of the United States’ oldest newspapers and has a storied history of reporting on society’s most controversial topics. The New York Times often acts with a democratic-tilt, and was the source of many publications that spoke strongly against the immigration policy of the Trump Administration. One article entitled “Fix Immigration. It’s What Voters Want” was published in late-2016, directly following President Trump’s upset election in 2016 (Cotton, 2016). The article utilizes strong photography to speak to the needs of immigrants, while addressing the issues immigration head on while discussing Trump’s success. There is a photo that depicts a Honduran worker standing under a McDonald’s billboard, and it invokes feelings of injustice and humanity in the reader (Cotton, 2016). The juxtaposition of this empathetic photo against a brusque presentation of Trump’s win and the immigration issues that matter most to voters represents a viewpoint that is nuanced and less one-dimensional than other news sources mentioned above. The article addresses how the voters in the United States are diametrically opposed on immigration issues, but the photo grounds the reader in understanding that the system is in need of redress. It presents a neutral viewpoint that explains

the facts in a way that leaves the reader less likely to become more hardened in their view, but perhaps understanding another aspect of the immigration picture in the United States that they may have not thought of before. The ability for this article to relate immigration to voters as a human issue is one of the ways that the New York Times reports in an unbiased way, while providing a different opinion for the reader to interpret and walk away with.

One of the major impacts of Italy's parliamentary system is a common theme that exists across party platforms as it relates to immigration. An issue that has become more popular in Italian Political Parties is the need for "Italy-First" immigration policies, including the establishment of an integration agreement for new arrivals. Italy's integration agreement is a straitlaced process that legally requires immigrants to take steps to assimilate into Italian life within a certain period following their arrival. This requires them to learn the Italian language at an A2 proficiency level, and civic education as well as vocational training. Their completion of the agreement is measured on a point scale, 1-30 (Garo, 2021). This agreement is required upon first application of a residency permit requesting a stay of at least one year, and is collected from all applicants aged 16-65, which Italy classifies as working-age. All parts of the agreement must be completed within the validity of the residency permit given (Garo, 2021). One of the major arms of this agreement is an integration into Italian schooling, taxes and the health system. This puts migrants on a path to success and positive contribution to the Italian economy, as well as social life, and is more comprehensive in comparison to many of its European counterparts. In 2020, their fiscal contribution from just income tax alone (Irpéf) was valued at €5.3 billion (ANSA, 2022).

Foreigners in Italy are also contributing to the Italian Economy as entrepreneurs and small business owners. There are over 600,000 migrant businesses registered in Italy with those companies accounting for about one tenth of total activity (ANSA, 2022). There are also positive contributions made in other forms of tax, as well as the purchase of Italian goods, and to the Italian workforce and GDP (ANSA, 2022). The review of economic statistics alone

demonstrates that migration to Italy is positive, and creates more economic opportunity for Native Italians as well as migrants. The need for an integration agreement was a compromise that the Italian Parliament had agreed to in compromise, during the amendments to the Turco-Napolitano Act in 2002. The impacts that migrants have on the Italian Economy could be due to a variety of factors, either their own desire to work and earn a stable salary, the societal stigma they face, and the integration agreement has merely become another hoop for immigrants to jump through when arriving in Italy. This may provide evidence that the parliamentary system that Italy relies on to pass immigration legislation that may address the behavior of migrants but do not reflect the risks and fears that the Italian Electorate have concerning immigration.

This is not true across all sectors, however. When it comes to school enrollment in Italy, migrants drop out at much higher rates than native-born or naturalized populations (Farkas, 2022). When broken down between Italian and non-Italian citizens, there is an observed difference in early school leavers (ELET), 32.30% of students with non-Italian citizenship are concerned, compared to 11.30% of native students (Farkas, 2022). This can also be said for employment rates for foreign-born nationals in Italy. The employment rate of immigrants decreased by 2.9% in 2020, with immigrant women suffering most with a reduction in their employment rate twice as large as that of immigrant men (Testore, 2021). This is even higher for immigrant women with low-levels or lacking formal education (Testore, 2021). Although there is a requirement to enroll in education as a part of the integration agreement, there have been no decrees passed by the Italian Parliament that address the schooling needs of migrants, and to put them on a path to succeed in employed positions upon graduation. The integration agreement does not lay any groundwork to set up schooling that serves the migrant population directly, and does not address the idea that migrants may not know or assimilate well into Italian schools, even though they are required to do so.

Gordon Allport's *Contact Theory* is a valuable lens to discuss how natives' perceptions of immigrants can also influence the immigration law landscape in Italy, and the ways in which foreign-born mothers are received in Italy. Allport argues that increased interactions between natives and immigrants should mitigate any feelings of xenophobia or anti-immigrant fear that natives may possess (Allport, 1954). Contact theory may help interpret the confounding reasons why immigrants face an uphill battle in their integration process in Italy. Many Italians may not feel so strongly about immigrants in individual cases however, having little to no experience with immigrants, describing their relationship as "normal" in the majority of the interviews (Babraj, 2019). This was uniform across all three regions studied, and when interviewing both native Italian males and females (Babraj, 2019). It is paradoxical to the anti-immigrant views of the Italian Legislature, in direct support of an enthusiastic Italian Electorate. The regional economic and social factors that exist in any one geographic area provide more context in understanding indirect impacts that affect opportunities available to immigrants. It also demonstrates that increased malaise for immigration exists when natives feel more burdened and disadvantaged independent of immigration.

The United States faces similar issues in passing legislation that fails to execute real impacts onto migrant populations that enter the country. In the United States, there is a marked difference in enacting rules through Executive Orders rather than the parliamentary style of government that Italy possesses. In Executive Orders such as DACA, or DAPA, President Obama harnessed his executive power to provide a solution to a gap in legislation that congress failed to address through amendments and other actions. The President's power over immigration has not always been used to improve legislative gaps however, with the Department of Homeland Security being an enforcement agency under Executive Power in processing and deporting immigrants in the U.S. "Every law enforcement agency, including the agencies that enforce immigration laws, has "prosecutorial discretion" — the power to decide whom to investigate, arrest, detain, charge, and prosecute" (National Immigration Law Center,

2014, p.1). The ability to arrest and detain immigrants is one that the Department of Homeland Security utilizes through not only setting the number of detainees allowed in a center, but also the funding and administration of these centers, and the arrests of migrants to fill them. This is a departure from the parliamentary system that is present in Italy. Italy has a clear separation in the enforcement agency, which is the Guardia di Finanza, and the legislature. Although Italy rules on appropriations for the Guardia, elected officials are not the ones that make hiring decisions or increase the number of officers on the enforcement team. In the United States, the Executive has complete power over how many officers are employed, who is employed and the actions they can take in their authority. Under the Trump Administration, an Executive Order that was known as the *Secure Communities Order* increased the involvement that local and state agencies have in immigration-related arrests, something that would likely be unconstitutional in Italy.

Conclusion

Immigration legislation in both Italy and the United States is influenced by a variety of factors, with the influence of the press and political structures providing a salient impact on policy action. The news media in the United States relies on the sensationalization of the press to get readers to understand the scope of the immigration issue. This is marked by an increased number of op-eds highlighting the immigration process, and imagery that encapsulates the immigrant experience, most commonly on the Southern Border. In Italy, the news media is much more partisan and forward in its review of Italian Immigration Legislation, and addresses comments made by Meloni and Salvini as they are, without a need to overcorrect to remain neutral. The political structure in Italy is one that encapsulates a greater separation of opinion across multiple parties, requiring elected officials to come to areas of compromise and attempt to unify behind issues they know the large swath of the electorate will feel confident in voting for.

The political structure in the United States is one where the Executive sets the tone for all immigration legislation passed which is enhanced by the U.S.'s strong polarity in immigration

policy and its two-party system. The two party system allows for the popularization and normalcy of articles that speak in offensive ways towards migrants, which in Italy is represented through a more threatening personal, humane issue (i.e. the sinking boat video, etc.). Although Executive Orders may be more comprehensive and passed with greater speed than any congressional legislation, or the decrees passed by the Italian Parliament, they are often easier to repeal, find unconstitutional or never get fully implemented at the scale the President had envisioned. Future research should highlight the impact that op-eds have on an electorate versus the objective articles that news media writes, and assess if one is more important in giving the public confidence in a certain elected official. This research should also explore how the media affects the power that elected officials have in passing certain legislation, and the permission that news sources give to elected officials in executing on their aspirations.

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