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## Up-scaling social innovation in asylum adjudication: the case of the Migrants project in Sicily

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Italy, as other European countries, saw a dramatic increase in international protection claims, heavily impacting the workload of Italian lower courts entitled to re-examine refusal decisions on asylum. The Court of Catania, in Sicily, was the most affected by this situation due to its geographical position, so that in 2016 it registered an increase of 514% in its new proceedings related to international protection. This surge in asylum claims affected the proper functioning of the judiciary and the whole asylum policy, as claims remained unsolved for a long time. In order to face these challenges, from 2015 to 2017 the project Migrants, funded by the European Social Fund, was developed in the Court of Catania with the aim to better organise and speed up judicial procedures concerning asylum claims, the first and crucial stage of the refugee's integration process. The present article offers an analysis of the project through the lens of the Social Innovation framework, adopting a multi-scalar perspective. In particular, it shows the innovative solutions adopted by the local court, the opportunity structures existing at local, regional, national and EU levels. Moreover, it focuses on the consolidation process that followed up-scaling dynamics and on the factors facilitating it.

**Keywords:** social innovation; up-scaling; Italy; courts; asylum adjudication

### 1. Introduction

A well-functioning asylum determination system is one of the most important aspects of asylum policy. Moreover, it plays a crucial role in contributing to the process of refugee integration and in guaranteeing fundamental human rights (Phillimore 2020). In line with the subject of this special issue, recent studies show that the waiting time for asylum decisions impacts on the socio-economic integration of refugees, since longer waits have a negative effect on their access to employment (Hainmueller et al. 2016). This seems particularly relevant in EU countries such as Italy, where asylum seekers wait years for a decision on their asylum claims, usually in reception centres without basic services and far from city centres (Bakker et al. 2016).

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Since the North African emergency in 2011, arrivals by sea and asylum claims in Italy have increased because of humanitarian crises and restrictions of other immigration access channels (Giovannetti 2018). Between 2014 and 2016, during the so-called refugee crisis, asylum seekers doubled from 63,000 to 123,000, reaching 130,000 applications in 2017 (Ministry of the Interior 2020). The increase in asylum applications has affected the two main institutions responsible for examining asylum claims in Italy: Territorial Commissions for the recognition of international protection and civil courts.

This is particularly true in Sicily, one of the Italian regions most affected by the increase in asylum claims, due to its position on the Central Mediterranean route. In 2016, more than 106,000 migrants from at least 15 different countries landed in Sicily (Ministry of the Interior 2020). In the same year, the responsible Territorial Commission of Catania assessed 3135 official requests for recognition of international protection while the Territorial Commission of Syracuse decided on 5602 asylum claims (Ministry of the Interior 2020).

A relevant number of asylum seekers challenged the first-instance decision in front of the Civil Court of Catania,<sup>1</sup> which is responsible for re-examining asylum claims decided by the Territorial Commissions of Catania, Syracuse, and Ragusa. Thus, there was a great rise of asylum appeals in the Civil Court, causing a massive increase in the backlog, which reached 6772 pending proceedings in 2016 (Court of Catania 2016). This means that asylum seekers have started to wait a very long time before receiving a reply on their claim, which very often remains missing or not filled in court.

In order to tackle this emerging local urgency in the Court of Catania, the project *Migrantes* was developed within the framework of the European Social Fund (ESF), in order to strengthen the functioning of the judicial offices of the Court of Catania.<sup>2</sup> The project aims specifically at reducing the backlog in asylum proceedings, finding new solutions to processing asylum applications timely and efficiently through the involvement of other social actors, mainly from the state sector. In our view, the *Migrantes* project is an interesting case of social innovation as it generates outcomes and practical solutions ‘that simultaneously meet social needs [...] and create new social relationships or collaborations’ (BEPA 2010). Indeed, the project has been innovative in how it reached these outcomes, also empowering the capability of the actors involved.

This article focuses on the *Migrantes* project as a case study to be analysed through the lens of Social Innovation (SI). This project is a relevant case study as it offers an example of an SI process led by a *suus generis* public administration actor, such as a court. In fact, especially in Southern European countries like Italy, courts are rarely considered as potential innovators due to their high formalisation of judicial rules and procedures. Nonetheless, given a peculiar structure of opportunities existing at the local and national levels, the Court of Catania proposed an innovative project that not only responded to a pressing social need locally, but also introduced new organisational solutions and practices that were nationally up-scaled in the Italian legislative framework for asylum adjudication. Adopting a multi-scalar framework for the analysis of SI, the paper aims at contributing mainly to the literature on up-scaling SI, still relatively underdeveloped in SI studies (Kazepov et al. 2020a).

Accordingly, the present research is built around three main objectives, aiming to understand: (RQ1) which type of SI was introduced with *Migrantes* using the seminal definition by Moolaert et al. (2005); (RQ2) why is *Migrantes* an example of bottom-linked social innovation and which multi-scalar factors/opportunities contributed to its development; (RQ3) which specific strategies were adopted in up-scaling SI. Finally, the article illustrates what happened following the consolidation of the *Migrantes*-driven innovations within the national framework, reflecting on top-down processes following bottom-linked social innovations.

## 2. Theoretical framework: up-scaling social innovation

Over the last 20 years, SI has gradually become the ‘north star’ influencing policymakers, international institutions, NGOs, scientific community, and civil society. In the last decades, SI has come to represent a pivotal concept in social sciences, as evidenced, on the one hand, by the progressive increase in the number of books, in different languages, dealing with SI (see Note 1), and, by the fact that the vast majority of scientific contributions on SI was published after 2000 (see Note 2).

As discussed also in this journal (Ziegler 2017; Galego et al. 2021), in the last two decades SI has evolved from a niche topic to a defined and recognisable field of study, attracting the interest of many researchers from various disciplinary backgrounds, including sociology, organisational studies, political science, economics, engineering and computer science. SI has gained recognition both in academia and within policy circles, as an essential tool for modernising welfare states. Nevertheless, despite its diffusion, the concept of SI remains ambiguous and difficult to both define and measure (Franz et al. 2012; Harrison et al. 2012; Moulaert et al. 2013). Many authors have come up with different definitions of SI, which can be distinguished according to purpose, focus and nature (Anderson et al. 2014). Depending on its use and field of application, the concept has taken on several meanings, sometimes contested and controversial.

The purpose of this article draws on the conceptualisation offered by Moulaert et al. (2005), who identify three dimensions of SI. The first dimension stresses the *content* of SI and refers to the meeting of alienated basic needs which are not currently satisfied, since they are not yet or no longer perceived as important by either the state or the market. The second dimension is the *process* dimension, meaning changes in social-political relations, especially regarding governance, that both enable the satisfaction of those needs and increase the level of participation. The last one is the dimension of *empowerment* or *socio-political transformation*, related to increasing the socio-political capability and access to resources needed by institutions to enhance rights (Moulaert et al. 2005; Campomori and Casula 2021, 2022). Thus, SI aims at meeting social needs or at helping to frame new social problems, changing social relations, and producing social transformation (Bitencourt et al. 2016).

Research on the topic shows that the local level is an essential entry point to study SI, due to its context sensitivity, since SI practices are always embedded in specific contexts (Moulaert et al. 2013; Campomori and Casula 2021). More precisely, social innovative governance ‘requires a social, institutional and political context favourable to innovation, which is difficult to achieve in the absence of a proactive role of public actors’ (Campomori and Casula 2022: 15). However, the increasing complexity of multi-level arrangements characterising social innovations requires a multi-scalar perspective, which helps to understand whether and how SI can move between and across scales (Kazepov et al. 2020b).

Adopting a multi-scalar perspective it is possible to classify social innovations as (1) *locally bounded social innovations* which remain at the local level without building connections between and across scales; (2) *bottom-linked social innovations* which can establish these connections, starting from the local level in order to satisfy local needs but including a multi-scalar action; (3) and *network-based social innovations* which emerge spontaneously across scales and are generally promoted by supra-local networks aimed at developing place-based innovative practices (Kazepov et al. 2020b). Local innovative practices and projects can be embedded in locally bounded, bottom-linked or network-based dynamics according to the conditions in which they emerge and their ability to

benefit from multi-scalar opportunities existing at each scale. Some contextual factors influence the multi-scalar opportunity structure of a social innovation, such as where a social innovation is being produced, the content of the social innovation and specific actors controlling the political sphere when the social innovation develops (Kazepov et al. 2020b).

In addition to better understanding the development of a social innovation, a multi-scalar perspective can also help analysing their eventual consolidation processes. Previous research on the topic shows that consolidation may occur in three ways: (1) *up scaling*: when social innovations move between and across different scales; (2) *diffusion*: when social innovations spread randomly, thanks to informal networks and information and without vertical connections between scales; (3) *institutionalisation*: when social innovation comes from an institutional change (Kazepov et al. 2020a). According to this literature, the up-scaling process occurs when social innovations can move between and across different scales, usually starting from the local level and reaching higher scales. However, this process can follow different paths depending on the conditions in which the social innovation happens (Kazepov et al. 2020a).

Research on social innovation and social enterprise has already focused on the strategic agency necessary to widen the scope of an innovation by implementing it at a larger scale (Bradach 2010; Evans and Clarke 2011; McPhedran et al. 2011; Mulgan et al. 2008 (see Note 3)). However, the scholarship rarely focuses on the factors that contribute to scalability. An exception is again the work of Kazepov et al. (2020a), which explains that the up-scaling process usually occurs when the local level establishes connections and networks at larger scales, generally with national public institutions (Kazepov et al. 2020a). This can happen either through personal links of the so-called *scale keepers*, crucial actors providing access to supra-local scales, or through umbrella organisations and their important resources in networking, know-how and expertise (Kazepov et al. 2020a).

Moreover, they argue that socially innovative projects need the support of supra-local organisations, such as the national or federal states, in terms of resources, legal frameworks or to facilitate the circulation of information and knowledge and succeed in the scalability process (Kazepov et al. 2020a). Not by chance, a recent study demonstrates the crucial role of the European Union in the institutionalisation and up-scaling of social innovations financed by the EU funds, to the extent that strategies to include these processes should already be considered in the proposals for access to EU co-funding (Sabato and Verschraegen 2019).

Some other works focus on the factors which can contribute to social innovation scalability. In particular, a review of the literature on the topic (Bolzan et al. 2019) shows that there are different factors influencing the process: the characteristics and attitudes of the social entrepreneur, organisational factors and the external environment. First, it is important that the social entrepreneur has good relations with the external public and the ability to build networks and partnerships with other actors. Moreover, s/he must have good political skills and the ability to maximise financial resources and the social impact of the project. Second, some organisational factors such as the autonomy of the actors involved, the training offered to them, and the scalability process planning have a positive impact. Finally, some external factors must be considered (Bolzan et al. 2019). In particular, as already mentioned, government support plays a key role, and therefore it should be included in the analyses and considered an important partner for the scalability process. Finally, many works stress

the positive role of networks (Braga et al. 2014; Heuts and Versele 2016; Voltan and Fuentes 2016 (see Note 4).

### **3. The institutional framework: the court system and asylum appeals in Italy**

As highlighted in the introduction, this article offers an example of the SI process led by a *sui generis* public administration actor, a court of justice. Despite its institutional relevance and its impact on citizens' lives, until now justice had rarely been considered a 'context for innovation'. This view stems from its peculiar governance structure (Piana 2010, Piana and Raniolo 2015): justice might seem like an environment that curbs innovation, due to the high formalisation of judicial rules and procedures in public sector activities. In terms of power distribution and institutional model the Italian judicial system is strongly framed nationally; meaning that the legislative, regulative and management functions, especially funding distribution, are all responsibility of the central institutions, namely the Ministry of Justice and the High Judicial Council (CSM).

However, in terms of concrete daily functioning, judicial offices are a classic example of so-called 'expert dependent organisations' (Blackler 1995), i.e. organisations designed to coordinate the activity of professionals who enjoy wide organisational autonomy in light of their specialised knowledge and skills. In these organisations, there is often more room for self-determination (activation) by the actors (Weick 1976), which is one of the central factors favouring innovation, as highlighted by the international literature on this topic (Amabile 1988; Amabile et al. 1996; Van de Ven et al. 1999).

This tendency is particularly evident in the Italian case, where, especially since the 80', judges enjoy a large degree of external and internal independence, i.e. independence from other branches of the State and independence within the judiciary (Russell 2001; Bell 2006). This situation is similar to other Southern European countries (Guarnieri et al. 2002; Piana 2010; Guarnieri & Piana 2011).

Because of this organisational autonomy, several Italian courts have become 'arenas of innovation' in the last decade (Verzelloni 2020). This development was helped by the fact that Italian courts have metaphorically 'opened' to their organisational environment, launching many formal and informal partnerships with local public bodies and institutions (Castelli et al. 2014). In addition to breaking down the traditional opacity of courts (Latour 2002) and favouring social accountability processes (Bovens 2005), Italian courts have obtained legitimation and resources of various types (human, financial, cognitive, and competence-based) through these inter-institutional connections, stimulating the emergence of *locally bounded innovations* (Kazepov et al. 2020b). However, most of these innovations have remained a 'local heritage', without moving from the context in which they developed (Verzelloni 2020), i.e. they did not emerge as specific *bottom-linked innovations* (Kazepov et al. 2020b). The following sections will clarify why the case of Migrants is different from all other social innovations developed in recent years by the Italian courts, which did not experience an up-scaling process.

#### **3.1. Court-sections specialised on international protection**

In 2017, the Italian government reformed international protection, specifically affecting Italian courts. The main aim of the reform was to accelerate the asylum adjudication procedure, in order to tackle the excessive backlog characterising Territorial Commissions and Italian civil courts (Italian Parliament 2017). This reform reflects a wider European tendency to reach administrative efficiency in light of multiple issues affecting the

slowness in case examination, such as the rise of asylum applications, the complexity of procedures, the legal requirements and the amount of appeals (Fassin and Kobelinsky 2012).

According to the Italian procedure, when the asylum seeker asks for asylum at the police station or at the Italian border, police authorities send the registration form and the documentation concerning the application to the Territorial Commissions for International Protection located throughout the national territory. These Commissions are administrative bodies part of the Ministry of the Interior and are competent for analysing asylum requests. The Territorial Commissions interview applicants about their situation and decide either to reject the claims or to grant one of three forms of protection: the refugee status or the subsidiary protection status, both regulated at the EU level, or a special residence permit governed at the national level.<sup>3</sup> Negative or partial decisions, which grant a complementary protection (subsidiary status protection or special protection) can be challenged within 30 days before the competent civil court.

In order to assess the claim, the judge deciding on asylum appeals has to consider the documents provided by the lawyer and all the documentation acquired during the administrative procedure. Moreover, s/he has to consider the information on the socio-political and economic situation of the asylum seekers' countries of origin (Country of Origin Information<sup>4</sup>). Only after this preliminary stage, the hearing and – possibly – an interview with the asylum seeker (Dallara and Lacchei 2021), the judge resumes the case to the jury who makes the decision.

As already mentioned, the 2017 reform proposed some relevant changes to reduce the delays of justice in international protection claims and guarantee efficiency. First, the reform created specialised court sections within Italian civil courts dealing specifically with migration issues, such as international protection claims. These specialised sections were established in each of the 26 civil courts where courts of appeal are located. Second, the reform changes the procedure applied for the adjudication of international protection claims. This procedure is less formalised and is generally used to speed up the process. The main peculiarity is that the preliminary phase is carried through written forms and the hearing is not mandatory. This lesser formalisation leaves a great 'room for manoeuvre' to judges in this process, since they can decide how to actually conduct the preliminary stage (Dallara and Lacchei 2021). Moreover, differently from the procedure applied until 2017, the final decision is made by a jury of judges. Third, now the decision of the Civil Court can only be challenged in law in front of the Court of Cassation within 30 days.<sup>5</sup> Finally, the reform led to a simplification and informatisation of the communications between

Table 1. Asylum proceedings in Italian civil courts before and after the 2017 reform.

Area of intervention	Before the 2017 reform	After the 2017 reform
<b>Specialisation of court-sections on asylum</b>	No	Yes
<b>Decision-making</b>	Single judge	A panel of three judges
<b>Room for manoeuvre of judges</b>	Limited	High
<b>Second judicial appeal on the merit</b>	Yes	No
<b>Inter-institutional collaboration</b>	Complex and paper-based	Automatised with informatic tools

Source: elaboration of the authors.

the courts and the Territorial Commissions, which gave access to the informatic tools of the Ministry of Justice.<sup>6</sup> Equally, the High Judicial Council responsible for implementing the reform signed the Memorandum for Understanding with the Territorial Commissions to share relevant information and documentation related to the asylum proceedings (Table 1).

Before 2017, judicial offices dealt with asylum claims without the necessary specialisation and resources, despite the number of appeals had dramatically grown especially in some courts. In order to respond to these challenges, some rare actions were taken at the local level to offer self-made innovative solutions. This was the case of the Migrantes project developed in the Court of Catania.

#### **4. Research design and methods**

As mentioned, the present article analyses a case study, the Migrantes project, using the lens of the SI approach and adopting a multi-scalar perspective. Migrantes started in 2015 under the ESF Operational Programme for 2014–2020 approved by the Sicilian Region, and ran until 2017. The design of the project design was helped by the fact that the Court of Catania had been involved since 2014 in some national institutional projects aiming at strengthening its administrative capacity, funded by the government in office<sup>7</sup> at that time. For this reason, groups of consultants and organisational analysts were already working within the local court. The inefficiency characterising asylum proceedings immediately emerged as one of the main challenges to solve, becoming the target of the expert's analysis. Therefore, the Migrantes design idea emerged as a spill-over of an organisational analysis that was already in place. A preliminary analysis of the working procedure adopted by the Court of Catania to process asylum claims clearly showed that many institutional, judicial and non-judicial actors were involved, were mutually dependent and, thus, that better coordination among them was necessary to ensure that the asylum adjudication procedure ran smoothly. The first relevant innovative aspect of the project, as will be explained in detail in the next section, was that it showed the necessity of involving all these actors – although most of them are part of the public sector – to efficiently solve the problems in asylum proceedings.

Regarding the methods, the research is based on data including public and non-public documents related to the Migrantes project issued by public authorities as well as other actors and semi-structured interviews with the team of consultants responsible for the implementation of the project, with judges working in the court and other 'key actors' that were involved in the project.<sup>8</sup> The interviews were structured around some main questions devoted to (1) obtaining information about how the project emerged and developed; (2) defining the main actors in the project and their respective roles; (3) establishing which were the main innovative aspects it introduced in terms of content, process and actor empowerment; (4) describing the peculiar characteristics of the local context and how local actors managed to connect with national actors and institutions.

Thus, we organised the second round of interviews (September–December 2021) specifically targeting some selected actors among those already interviewed, who we defined as crucial to understand the multi-scalar dynamics of consolidation that, as shown in the next paragraph, take place through a bottom-linked process starting from the local level and arriving at the national one. In particular, we interviewed the actor that we identify as scale-keeper and others to whom we asked to describe specifically which characteristics of the local and national scales were relevant for the project. The



information gathered through the document analysis and the interviews guides the examination of the case in the next section.

## 5. Migrants social innovative aspects

By analysing the Migrants project through the lens of the SI literature, it is possible to trace the three dimensions of social innovation proposed by Moulaert et al. (2005) and described in the literature review. First, the project has developed innovative solutions to respond to the main challenges the organisation was facing, in order to improve a basic service delivery, namely an efficient response to a fundamental human right (content). Second, the project has advanced new forms of organisation and interactions to tackle the issue by changing social relations (process). In particular, the project aims at reinforcing and extending partnerships engaging different actors, such as University and students, lawyers, public officers, and international organisations (e.g. UNHCR), developing collaborative networking to stimulate social innovation, valuing new skills and learning processes (see Figure 1). Third, Migrants has increased the socio-political capability and the access to resources needed to protect rights and satisfy human needs (empowerment dimension). Indeed, the project aims to improve access to relevant skills and competences, through training on IT tools and international protection.

As for the *content dimension* (meeting unsatisfied human needs/problems which are not yet perceived as important by the state or the market), before 2015–2016 the Court of Catania was affected by several critical issues which have contributed to increasing a huge backlog. The project represented a valuable occasion to identify some of these

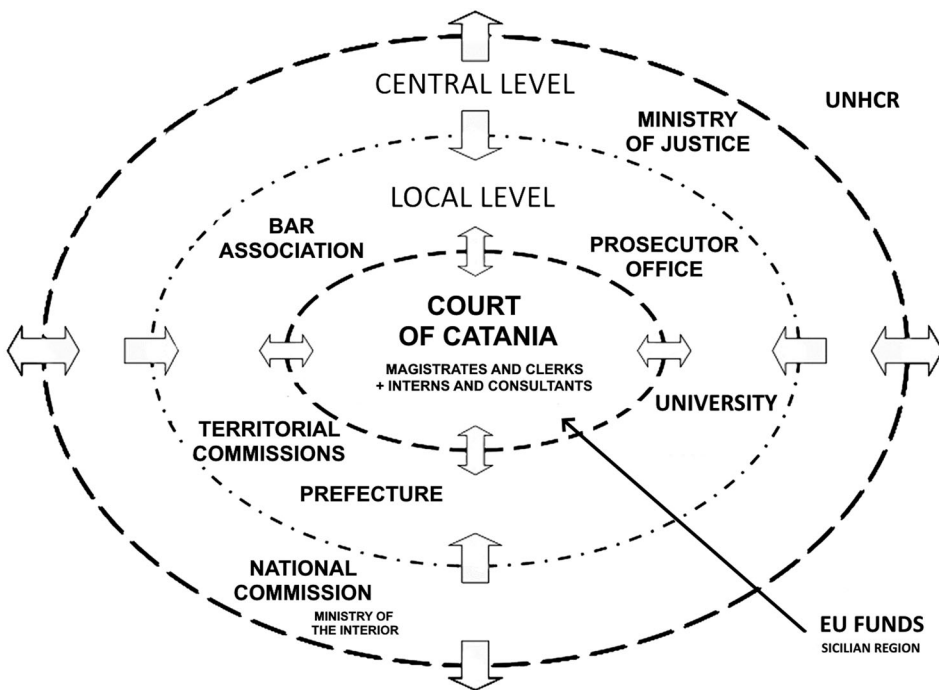


Figure 1. Migrants project and its interorganisational network.  
Source: elaboration of the authors.

Table 2. Innovative aspects introduced by Migrants.

Main need targeted by the project	How the problem was framed (content dimension)	Specific process innovations (process dimension)	Empowerment of actors
Reducing the backlog of claims and guaranteeing asylum seekers the right to have their claims filled and addressed in reasonable time.	<p>Intervening to solve the following problems:</p> <ul style="list-style-type: none"> <li>• Lack of functional integration and communication between actors, especially between the Court and the Territorial Commissions;</li> <li>• Lack of specialised competences and relevant non-judicial information;</li> <li>• Lack of communication with lawyers.</li> </ul>	<p>Enhancing of the cooperation network:</p> <ul style="list-style-type: none"> <li>• Procedural protocol between the Court and the Prosecutor Office;</li> <li>• ICT tools for the communication between the Court of Catania and the Territorial Commissions (no more paper-based);</li> <li>• Sharing of relevant jurisprudence, country of origin information and documents between the two abovementioned institutions;</li> <li>• Discussions with lawyers on models for appeals and guidelines on legal aid.</li> </ul>	<p>Empowering the capabilities and competences of the actors involved:</p> <ul style="list-style-type: none"> <li>• Training on ICT tools for judges and civil servants of the Territorial Commissions;</li> <li>• Trainings on international protection with UNHCR for judges and lawyers;</li> <li>• Collaboration with the University (internships).</li> </ul>

Source: elaboration of the authors.

issues, particularly those concerning the asylum adjudication system at the local and then national level. Indeed, as outlined in [Table 2](#), the main need/problem tackled by the project was ‘how to guarantee to asylum seekers the right of having their claims filled and addressed in reasonable time’ (Interview 2; Interview 3).

Until that time, the problem had not been perceived as urgent because asylum appeals were not so numerous and because the court never reflected on how to improve this type of proceedings. The first target accomplished during the project design stage was in fact devoted to framing the problem and understanding the main issues causing delays and problems in both collecting asylum claims and analysing them appropriately.

In its initial stage, the project mostly involved two groups of actors: the consultant team, already working within the court, and the core group of judicial actors of the Court of Catania. At the beginning of the project, the consultant team explored different problems involving the first section of the Court of Catania, the court-section responsible for international protection, which was composed of 12 magistrates and a President, supported by a staff of clerks. The organisational analysis carried out during the first stages of the project allowed to frame the social needs to be solved more precisely.

The actors interviewed explained that in the project development meeting they discovered a ‘lack of functional integration and communication, which negatively impacted on the quality and the timing of the whole process’, as declared by the (Interview 3). In particular, the working group formed by the organisational analysts and the local judges raised the following critical issues: (1) huge delays due to difficult exchange of files between the different actors involved, such as the Court, the Prosecutor Office and the Territorial Commissions; (2) the high number of hearings which the Territorial Commissions had to postpone because the advice by the court of Catania was missing; (3) poor information on the applicants’ countries of origin, even though they are essential for deciding on the asylum claim; (4) the lack of communication between the Court and lawyers representing the asylum seekers (Di Marco et al. 2017, 133–134; Interview 5).

As for the *process dimension*, from the beginning, the core team of the project – mainly composed by experts of the consultant team and judges – pushed for establishing a cooperation network among all involved actors and institutions to streamline and speed up the workflow, sharing relevant information and improving the use of the available tools, especially IT ones (Interview 3). *Migrantes* clearly shows the relevance of networking as a way to stimulate social innovation, valuing new skills and learning processes.

The first micro process innovation involved the Prosecutor Office. This micro-step can be considered as a fine-tuning and better understanding of the relationship between different parts of the justice system. According to the legal procedures, the Court Office should notify the Prosecutor Office about applications and hearings, in order to allow preliminary investigations. In Catania, the chief of the section and the competent prosecutor in this area have developed a judicial study and a protocol to define which kind of documents should the Court and the Prosecutor Office share between themselves throughout the civil proceedings: ‘this kind of procedural protocol was very important in day-to-day office practices to reduce delays by sending dossiers across different offices’ (Interview 2).

Here, one of the most important actions was the collaboration between the Court of Catania and the Territorial Commissions of Catania, Syracuse, and Ragusa to improve the informatisation of proceedings and communication. More precisely, a Memorandum of Understanding on information technologies was signed on 30 October 2015 between the Court of Catania, the National Commission for the Right of Asylum, the three local Territorial Commissions and the ICTs Department of the Ministry of Justice (V.V.A.A. 2015). The memorandum introduced telematic tools to manage judicial procedures and share the relevant jurisprudence, and to conduct recurring training for civil servants in the Territorial Commissions and judges (Memorandum of Understanding 2015). These first actions led to some preliminary results in 2016: hearings were no longer postponed, and the length of procedures was shortened, since ‘long waits in asylum appeals were also caused by the Court of Catania, which postponed the hearings in case of non-notification to the Territorial Commission by the Court’ (Parliament hearing, 16 February 2017). Moreover, Territorial Commissions increased their attendance in hearings and pecuniary costs for the notification of the hearing were eliminated (Interview 2).

The Bar Association of Catania was another group of actors involved in the project. The engagement of lawyers was crucial to introduce another specific process innovation. As stated by one of the judges interviewed this was ‘essential to help judges to study the application thanks to a smart model of writing the defence paper’ (Interview 4). In this case, a joint study observatory was activated together with Catania’s legal professionals to encourage the sharing of operational practices and the creation of appeal processes whose main components are clearly set out and readily available to the Court and

parties involved. Finally, Migrantes led to discussions between judges and lawyers, uncovering the need for setting specific guidelines on legal aid for asylum seekers (Interview 4).

As for the *empowerment dimension*, several actions within the project contributed to empowering the capabilities and competences of the actors involved in the asylum procedure. First, as already mentioned, the project aimed to extend also to asylum proceedings the use of informatic software and platforms already in place for other judicial procedures. In this respect, the project supported several training courses for different actors involved to improve their capabilities, especially judges and civil servants of the Territorial Commissions (Interview 2). Moreover, it offered training on international protection and asylum adjudication led by UNHCR in order to improve useful competences for their daily tasks (Interview 2). Second, the core team wanted to create a collaboration with the University particularly with the Departments of Political Science in Catania and Enna, to arrange internships. In 2017, a partnership with the University of Catania was signed and students joined a multidisciplinary team supporting judges in Country of Origin Information research, with the aim of establishing a sort of Office of the Proceeding with different competences and skills (Interview 1; Interview 2). Finally, UNHCR organised informative seminars and discussion forums opened to magistrates, interns and lawyers. Thus, Migrantes aimed at empowering judges and other actors involved with non-judicial competences necessary to a proper final decision on asylum claims (Interview 4).

## **6. Migrantes through a multi-scalar perspective**

The previous paragraph explains why Migrantes can be considered an SI, in terms of content, process and empowerment. Moreover, it shows that the local context clearly affected its development. However, adopting a multi-scalar perspective, it is possible to understand whether and how Migrantes was able to move between and across scales.

As shown in the following paragraphs, Migrantes represents an example of *bottom-link social innovation*, since it established connections with different scales, starting from the local level in order to satisfy local needs but including a multi-scalar action (Kazepov et al. 2020b). This process occurred thanks to some scalar opportunity structures existing at different levels: local, regional, national and EU (Kazepov et al. 2020b). Moreover, studying Migrantes through a multi-scalar perspective allows to show that moving from the local to the national level led to a partial consolidation of social innovation through up-scaling. Indeed, as already mentioned in the introduction, the up-scaling dynamics which emerge from the analysis of the project are the most peculiar aspect of this case study.

### **6.1. Multi-scalar opportunity structure**

As suggested by Kazepov et al. (2020a), the interplay of different contextual factors at different scales determines the specific multi-scalar opportunity structure in each level. In what follows, these scale structures are analysed with reference to our case study. As mentioned before, Migrantes is deeply embedded in the local level where it developed. Some opportunities existing at the *local scale* facilitate social innovation. As already mentioned, the SI of our case study was developed by a local judicial institution, the Court of Catania, which had experienced a significant increase in asylum appeals since 2014, causing a backlog in processing them. As other local courts, it lacked the necessary

resources to face these challenges because responsible national institutions had not intervened until 2017. Thus, the Court of Catania needed to ‘find a solution to solve the problem at the local level’ (Interview 2). This was possible because of the characteristics of the Italian judicial system. Although the judicial system is strongly framed nationally and local courts do not have funding autonomy, as explained in previous sections, local judicial institutions have high margins of manoeuvre in the concrete daily functioning of the Court Office. This is also true for the Court of Catania, which managed to develop the SI by reinforcing its network and signing a Memorandum for Understandings and other agreements with actors outside the court.

Moreover, the presence of a qualified and valuable social capital was essential, especially the activation of the coordinator of judges in the Organisational Innovation and Development Office of Catania, and contact person of the Migrant project, because of his strong leadership, specific competences in court management and a strong network with different actors also outside the court (Interview 4). The presence of the consultant team already working at the Court since 2014 also offered a crucial contribution, bringing specific competences and skills to appropriately develop and coordinate the project. At that time, there also were relevant opportunities at the *regional scale*, which contributed to the development of the project. The consistent increase in asylum proceedings in the Court of Catania is strictly connected to its location, the Sicilian Region, which was highly affected by the so-called refugee crisis. Indeed, Sicily is located at the EU border and all its local institutions dealing with asylum applications, such as civil courts, experienced a higher workload than in other parts of Italy. Thus, the issue was extremely relevant at the regional level given the significant delays and backlog affecting Sicilian judicial institutions.

Indeed, already since 2007, the Sicilian Region had decided to invest EU funds on projects improving the functioning of its judicial institutions, such as the Court of Catania. Thus, thanks to the support of the regional level, the local court could overcome one of the main constraints for the development of a social innovation in local judicial institutions: funding. As mentioned, local courts do not have funding autonomy and Migrant was created under Sicily’s ESF Operation Program for 2014–2020. Because of the relevance of the ESF, some opportunities also emerged at the *EU scale*. Confirming the literature on the topic, ESF grants were crucial for the initial stage of the social innovation, offering the necessary resources to launch the project dealing with an emergency for the Catania judicial offices (Interview 3; Interview 4). Moreover, as in most of ESF grants, financial resources were also dedicated to divulgation, particularly to organising public events and information material advertising the project at the local and national levels (Interview 4). However, in this case ‘the EU did not play an active role since the fund was managed directly by the Sicilian Region’ (Interview 3).

As mentioned, Migrant started from the local level thanks to the support and funds from the regional and EU levels. However, in different stages it included the national level, as often happens in *bottom-linked social innovations*. This was possible because of the existence and mobilisation of opportunities at the *national scale*. First, it is important to stress that the increase in asylum applications faced by the Court of Catania interested all of Italy, although Sicily experienced it more consistently (Ministry of Justice 2020). In particular, various civil courts faced huge backlogs in asylum proceedings and the lack of specialisation and non-judicial competences were structural problems. However, as mentioned, the Minister of Justice and the High Judicial Council, the responsible bodies for governing the judicial system, had not intervened until 2017. As common in Italian migration and asylum policy, governmental institutions adopted an emergency

approach, without intervening in advance with structural strategies and solutions (Fontana 2019). Moreover, the High Judicial Council had not prioritised international protection and asylum proceedings before, since these were new issues which had only marginally affected Italian justice in the past.

Nevertheless, at the national level there was a favourable governing coalition which showed great interest in the project more precisely. Indeed, as explained more diffusely in the following paragraph, the intervention of two politicians from the governmental coalition made sure that the Ministry was informed of the project at its earlier stage and maintained frequent contacts with the local court (Interview 4). Moreover, Migrants was also welcomed by other national institutions. This is the case of the National Commission for the Right of Asylum – the body of the Ministry of the Interior which is responsible for local Territorial Commissions – which signed the Memorandum of Understanding with the Court of Catania in 2015.

As shown in this paragraph Migrants is a clear example of a *bottom-linked social innovation* which activated its multi-scalar opportunity structure at different scales. Table 3 resumes the opportunities and constraints at the local, national, regional and European levels identified in relation to Migrants, making reference to the information gathered through both the document analysis and the interviews.

As it sometimes happens with bottom-linked social innovations, which can move between and across scales (Kazepov et al. 2020a), Migrants experienced a partial process of consolidation, since some social innovations introduced at the local level managed to get transmitted to the national one, influencing the 2017 reform on asylum adjudication procedures.

## 6.2. *Determinants for the up-scaling*

Referring to the typologies introduced by Kazepov et al. (2020a, 101) and other contributions on the topic, we outlined three strategies that allowed this bottom-linked SI to effectively move between scales and consolidate: the involvement of scale keepers; the

Table 3. Multi-scalar opportunity structure of Migrants.

Scales	Multi-scalar opportunity structure
<b>LOCAL SCALE</b>	<ul style="list-style-type: none"> <li>– urgent needs: high backlog, lack of specialisation in international protection and non-judicial competences;</li> <li>– relevant room for manoeuvre;</li> <li>– social capital (judges and experts).</li> </ul>
<b>REGIONAL SCALE</b>	<ul style="list-style-type: none"> <li>– urgent need: geographical position (EU border);</li> <li>– political support: allocation of EU funds to the Sicilian judiciary.</li> </ul>
<b>NATIONAL SCALE</b>	<ul style="list-style-type: none"> <li>– political support: favourable political conjuncture;</li> <li>– urgent need: high backlog, lack of specialisation and non-judicial competences in courts;</li> <li>– networking.</li> </ul>
<b>EUROPEAN SCALE</b>	<ul style="list-style-type: none"> <li>– EU funds (ESF).</li> </ul>

Source: elaboration of the authors.

establishment of new networks; the connection with networks and organisations operating at larger scales.

First, if we trace the trajectory of the *Migrantes* project, we can easily identify a ‘scale keeper’ who created connections with national public institutions using his ‘personal links with key persons occupying strategic positions’ (Kazepov et al. 2020a, 102): the judge-coordinator of the Court of Catania’s Organisational Innovation and Development Office. This actor played a ‘pivotal role’ in the transition of *Migrantes* to a higher scale. The judge exhibits all the characteristics and attitudes of a ‘social entrepreneur’ promoting a scalability process (Bolzan et al. 2019): leadership, good relations with the external public, ability to partner up with external audiences, political skills, managerial experience, ability to solve conflicts and to maximise financial return and social impact. In line with the article’s objectives, we will focus on four characteristics: leadership, ability to maximise social impact, managerial experience, and political skills.

The judge’s leadership qualities are confirmed by his ability to: coordinate the consultant team, promote the allocation of regional resources to the *Migrantes* project, personally involve many interlocutors at both local and national levels, and plan the most effective strategies for disseminating the results of the project beyond the local context, alongside with the consultants. The judge has become the ‘face of the project’, i.e. he has played a ‘proactive role’ to attract public interest on *Migrantes* and to maximise its social impact, as shown by the number of conferences, training courses and publications on this ‘local experiment’.

The same judge had the necessary experience and skills to manage the project and encourage the SI scalability. He had taken part in several courses on court management, and carried out a series of organisational roles, including judicial district referent for ICTs and coordinator of the Organisational Innovation and Development Office. Regarding political skills, the judge was a member of the High Judicial Council in the period 2010–2014, and supported the starting of many institutional innovations, which directly involved the Ministry of Justice. His return to the Court of Catania, after the experience at the High Judicial Council, stimulated the design and implementation of the *Migrantes* project. The same judge has long been a leading exponent of one of the most representative parts of the National Magistrates Association. For these reasons, the scale keeper could count on an extensive network of relations with many political and institutional actors at the different levels of the justice system built during his career.

Secondly, as described in paragraph 4.1, the project created an interinstitutional network, which included actors located at different scales. Alongside many local institutions (Prosecutor office, Prefecture, Bar Association, University and Territorial Commissions), the *Migrantes* project involved two institutions that supported the upscaling process: on the one hand, the National Commission for the Right of Asylum, part of the Ministry of the Interior, and, on the other hand, the Department of the Ministry of Justice dedicated to information technologies. Following parallel paths, these two organisations acted as bridgeheads between the *Migrantes* project and the national government. At the same time, the scale keeper – who worked there until 2014 – made Catania’s experimentation known to the High Judicial Council. Moreover, the judge played a key role in one of the most important conferences on international protection organised by the High Judicial Council in September 2016.

Thirdly, connected to the previous point, the strategy of the scale-keeper judge was carried out thanks to the intervention of two politicians from the governmental coalition. These two actors publicly endorsed the *Migrantes* project, both through the media and in exercising their institutional functions, actively supporting its connection with supra-local

public institutions. This support derives from several specific vested interests (Kazepov et al. 2020a, 200), in terms of visibility, connection with their own electorate and political self-promotion. Both politicians were very close to the Minister of Justice and held two key roles, respectively, in Parliament (member of the Justice Commission) and Government (Undersecretary of the Ministry of Justice). In addition, they both knew the Migrates project and its results very well: the first was a lawyer based in Catania and the second had coordinated the national commission of inquiry on the migrant reception. As a result of a complex ‘scale game’ (Kazepov et al. 2020a, 103), the combination of these strategies generated a ‘dynamic of consolidation’ from the local to the national level. The most evident effect of this consolidation is the 2017 reform (Legislative Decree 13/2017). The Migrantes project clearly influenced the contents of the decree urgently introduced by the Italian government and then converted into law by Parliament (Law 46/2017).

The aforementioned is supported by two empirical pieces of evidence. A few months before the Legislative Decree came into force, the politician member of the Justice Commission declared to the press that: ‘The Court of Catania is the first in Italy to introduce measures aimed at streamlining the judicial procedure in international protection. [...] The government intends to make Catania a pilot case, to promote similar experiments in other Italian courts’ (Newspaper article, November 2016). Moreover, the day before the decree was issued, the scale keeper judge attended a hearing in Parliament, in response to a resolution by the politician who was a member of the Justice Commission. At that time, the second politician, in his capacity as Undersecretary of the Ministry of Justice, explicitly stated:

Although it did not have a functional role, the Court of Catania was, in fact, the pioneer and inspiration of some of the measures that will be contained in the decree. [...] The work carried out by the Court can be taken as a model, since, among other things, it works. (Parliament hearing, 16 February 2017)

Furthermore, the High Judicial Council also played an important role in the scalability process. The Council was responsible for the implementation of the reform and directly promoted the project’s scalability. In 2017, the High Judicial Council defined the Migrantes experience as a ‘best practice’ (CSM 2017a) and signed a memorandum of understanding with the Ministry of the Interior, to facilitate the sharing of country-of-origin information and documents (CSM 2017b) and with the National Bar Association, to establish national guidelines on state-funded legal aid in asylum appeals (CSM 2017c). Essentially, the High Judicial Council replicated at the national level the practices adopted by Catania two years earlier.

## **7. Conclusion: a real consolidation?**

The article presents the analysis of a case study, the Migrantes project, adopting the lens of SI. The first peculiarity of this case study is that it offers an example of the SI process led by a public administration actor that is rarely considered as an innovative driver: a civil court. Secondly, the case is an example of social innovative practices adopted to solve a pressing need related to migrants and asylum seekers in a Southern European region massively affected by migration flows, namely Sicily. The pressing local need caused by the quantity of asylum claims, affecting the city of Catania and Syracuse, exposed the problem that the local court had in dealing with asylum proceedings efficiently. Profiting from the ESF and from a peculiar structure of opportunities at the local level, the project Migrantes was developed to solve this urgent need through a multi-actor network.



In this respect, we make a threefold contribution to the SI literature. Firstly, we explored the details of the project adopting the framework by Moulaert et al. (2005) to a local court. In particular, the article identifies and analyses the innovative aspect of *Migrantes* in terms of content, process and actor empowerment. This classification fits with our case study as it allows to specify which changes were introduced from the procedural side thanks to the adoption of a networked setting, and how the different actors in the network were empowered through ad hoc initiatives.

Secondly, given the peculiarity of the case, we decided to adopt a multi-scalar framework for the analysis of the SI. The Court of Catania, given a peculiar structure of opportunities existing at the local and national levels, proposed a project that not only responded to a pressing local social need, but also up-scaled these local organisational practices to the national legislative framework for asylum adjudication. The adoption of a multi-scalar lens allowed to unpack the precise factors and opportunities that led to the development and success of the project at the local, regional, national and EU levels. Moreover, it is only through the multi-scalar analysis that we could understand how and why the content of the project was consolidated through an up-scaling dynamic.

Thirdly, we offer a contribution to the literature on up-scaling SI, which is still relatively underdeveloped in SI studies (Kazepov et al. 2020b). More specifically, the analysis of the opportunities and constraints in each scale, and the links between them, can explain why *Migrantes* did not remain one of the many locally bounded social innovations which do not move from its original context, as is the case of similar projects developed within other Italian courts (Verzelloni 2020). In the case of *Migrantes* it seems that moving across scales was possible because of the activation of three types of opportunities: (1) the proactive role played by the scale keeper; (2) the creation of a new interorganisational network based on mutual trust; (3) the connection with the central level, thanks above all to informal networks and ‘without following the institutional channels and hierarchical scales’ (Kazepov et al. 2020a, 192). Here, it is necessary to emphasise the importance of individual agency as a key factor for the diffusion and consolidation of social innovation. Through their behaviour and their ability to ‘activate multi-layered strategies, cutting across scales’, actors can play a central role in favouring the consolidation process (Vitale 2009; Kazepov et al. 2020a).

From a general perspective, by focusing on the up-scaling dynamics, the case study allowed to advance some new reflections on the ‘durability’ of social innovation consolidation. Our case raises questions that are still underdeveloped: what happens to SI practices that have been consolidated at the national level? Is this consolidation process always a necessary condition for success and resilience? Our case study offers a peculiar view on this point: this local experience moved across scales, arriving at the national level, where first a reform proposed by the Government and then an official document of the High Judicial Council included some of the procedural innovations developed in the Court of Catania. Faced with the emergence of the migratory issue, the Ministry of Justice and the High Judicial Council intentionally incorporated some elements developed within the project and, in this way, pushed for the movement of *Migrantes* between scales. Thus, *Migrantes* can be seen as bottom-linked social innovation followed by a top-down process. How did this shift to a top-down process influence the durability and resilience of the innovation? This is another relevant research question which needs to be further analysed through other case studies. Some findings on how the *Migrantes*-driven reform was implemented in other Italian courts<sup>9</sup> seem to suggest that several innovative elements introduced by the *Migrantes* pilot experiment were not really implemented in practice, and there still are huge differences between local courts. In

fact, communication and coordination problems persist, although asylum proceedings were completely digitalised and all actors involved, including Territorial Commissions, started to use ICT tools devoted to improving and speeding up the mandatory file exchange. Indeed, contacts between Territorial Commissions and courts are extremely rare and they usually do not share relevant information on proceedings.

Moreover, the reform has called into question a set of knowledge, organisational solutions, and practical adjustments which had been developed over time by the local actors involved in the Migrants project. As happened in recent years in many Italian judicial offices (Verzelloni 2020), the introduction of a top-down innovation represents a new 'zero point', which requires actors to rethink their daily practices. This could negatively impact the stability of interorganisational networks and discourage the proactivity of actors. All these considerations show that further research on the topic is needed to offer more insights on the dynamics at play in the top-down process of bottom-linked SI.

### **Disclosure statement**

No potential conflict of interest was reported by the author(s).

### **Notes**

1. In 2016 almost 93% of first-instance decisions could be challenged on behalf of the Court of Catania. See: <https://rm.coe.int/migrantes-court-of-catania-italy-the-crystal-scale-of-justice-edinburgh/168078aa6a>.
2. The Sicilian Region approved in 2007 the 2007–2013 European Social Fund Operational Programme, which in Pillar VII of its Institutional Powers outlined the specific goal of strengthening the official capacity and implementation systems for the policies and programmes of the Judicial Offices of the Court of Catania. The Migrants project was then further developed under the ESF Operational Programme for 2014–2020 until 2017.
3. Before 2018 asylum seekers could obtain the so-called humanitarian protection in case of serious humanitarian reasons. In 2018, a reform replaced humanitarian protection with a more restrictive form, but already in 2020 the succeeding government reformed it by re-expanding national protection. Today, the so-called Special Protection is granted when asylum seekers cannot obtain the refugee status and the subsidiary protection status, but they risk being persecuted in their home countries or their return can violate their fundamental human rights.
4. Country of Origin Information (COI) refers to information on countries from which asylum seekers departed, that can be relevant for decision-makers assessing asylum claims.
5. Before 2017 asylum seekers had the possibility to appeal the decision also before the Court of Appeal, having access to three degrees of judgement.
6. In accordance with the 2017 reform, the Ministries of Justice and of the Interior have jointly defined the technical rules for the electronic exchange of information and documents. This measure has automatised the sequential interdependencies between Territorial Commissions and courts.
7. The Catania Court since 2014 was granted some funds provided by the FormezPA, an initiative led by the Department of Civil Service – Presidency of the Council of the Ministers.
8. The interviews involved the following actors: (1) Senior Professor at the University of Catania – Department of Political and Social Sciences; (2) Judge coordinator of the Innovation Office at the Court of Catania and leading actor for the Migrants project (first interview); (3) Senior consultant working on the project for Formez PA and Sicilian Region; (4) Judge coordinator of the Innovation Office at the Court of Catania and leading actor for the Migrants project (second interview); (5) President of the Consultant group working on the project.
9. This information is confirmed by data gathered through months of participant observation and interviews in different asylum-specialised courts held in 2020 and 2021, including the Court of Catania, by one of the authors. For more detail, see Dallara and Lacchei (2021).

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