

The Migration Deal Between Italy and Albania:  
How To Control Migratory Flows in Absolute Compliance  
with Human Rights?

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## Introduction

With each passing day, more and more European countries face increasing pressure to control the issue of migration. Increasing the frequency of border checks within the Schengen area and sending immigrants to countries outside of the European Union are some of the control measures that have been put in place so far. Following the precedents of Denmark, Israel, and Austria; the United Kingdom<sup>1</sup> has previously been at the forefront of this matter with its former policy to send asylum seekers to Rwanda. However, in the aftermath of the 2024 general elections, the Labour Party announced the cancellation of the immigration policy. Last October, Italy came forward to the public with its bilateral five-year migration deal with Albania. This deal relating to asylum seekers in Italy ignited significant backlash from humanitarian groups and nongovernmental organizations, as they claimed that such an agreement to control migratory flows would constitute numerous violations of human rights.

## Background and Analysis

The asylum deal between Italy and Albania can be traced back to November 2023,<sup>2</sup> when the Rama-Meloni Agreement was signed. This set the ground for the establishment of detention centers on Albanian territory, in Shëngjin and Gjadër, intended for asylum seekers in Italy. These offshore centers would be built for the detention of individuals apprehended during unauthorized border crossings as well as for immigrants that were rescued by the Italian coast guards, naval forces, and customs police. Regarding the criteria of eligibility, only the healthy adult male irregular migrants who came from countries designated as “safe” by the Italian Ministry of the Interior would be included in the framework of this Agreement.<sup>3</sup> The list of “safe countries” has been recently modified upon a new decree passed by the Italian government, decreasing their number from 22 to 19.<sup>4</sup> This development was another pillar for the Italian government to implement a fast-tracking system for asylum seekers. The claims of individuals coming from safe countries would thus be considered invalid, facilitating their deportation process.

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<sup>1</sup> Meltem Kural, “Arnavutluk Avrupa'nın Guantanamo'su Mu Oluyor?” Perspektif, September 26, 2024, <https://perspektif.eu/2024/09/26/arnavutluk-avrupanin-guantanamosu-mu-oluyor/>.

<sup>2</sup> Kristina Millona, “The Italy-Albania Agreement and the New Frontiers of Border Externalization,” trans. Nicoletta Alessio, Melting Pot, May 2024, <https://www.meltingpot.org/en/2024/05/the-italy-albania-agreement-and-the-new-frontiers-of-border-externalization/>.

<sup>3</sup> Perspektif, “İtalya-Arnavutluk Göç Anlaşması: Avrupa'nın Yeni İltica Modeli Mi?” Perspektif, October 15, 2024, <https://perspektif.eu/2024/10/15/italya-arnavutluk-goc-anlasmasi-avrupanin-yeni-iltica-modeli-mi/>.

<sup>4</sup> Alessia Peretti, “Italy Approves New Decree on Safe Countries to Secure Italy-Albania Migrant Deal,” Euractiv, October 2024, <https://www.euractiv.com/section/politics/news/italy-approves-new-decree-on-safe-countries-to-secure-italy-albania-migrant-deal/>.

Once transferred outside Italian borders, the asylum application had multiple steps. First of all, migrants would be transported to the Port of Shëngjin in northern Albania, to realize the initial identity check. Following this registration, migrants would be transferred to another center in Gjadër, a former Albanian Air Force military camp. During the evaluation of their asylum requests, migrants were to be kept in these facilities with a capacity of around 1000 people. In addition to this facility, a pre-deportation center (CPR) with 144 places and a small prison for 20 people were foreseen.<sup>5</sup> The administration of the facilities was thought to be operated by the Italian government, under Italian jurisdiction. On the other hand, the external surveillance of the centers would be within the responsibility of the Albanian law enforcement officers.<sup>6</sup>

Italy stated that the asylum applications are going to be examined within a span of 28-days<sup>7</sup> and explained that the capacity of the facilities will be increased further on. Overall, the deal is planned to be held for five years, at a predicted cost of around €670 million<sup>8</sup>. Nevertheless, Italian media reported this number as highly optimistic, claiming that the total spending could exceed a budget of €1 billion<sup>9</sup>.

The idea of sending irregular migrants to Albania for them to be returned afterward to the Italian territories at an exorbitant cost stirred public opinion. However, the public backlash is in stark contrast with Meloni's ambitious ideals, who had initially proposed this bilateral agreement as a deterrent element for the border crossings of illegal migrants. The Italian prime minister has openly expressed her belief in this cooperation with Albania to manage the migratory flows.<sup>10</sup> In her public speeches, she also emphasized the friendship between the two European countries, addressing her support for the Albanian candidacy for the European Union. Therefore, a bid for private contractors was opened in June 2024 by the Italian

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<sup>5</sup>Angela Giuffrida, "Italy Sends First Asylum Seekers to Albania under Controversial Pact," *The Guardian*, October 14, 2024, <https://www.theguardian.com/world/2024/oct/14/italy-first-asylum-seekers-albania-pact>.

<sup>6</sup> The Brussels Times, "Italy Transfers First Group of Migrants to Albania," *The Brussels Times*, October 2024, <https://www.brusselstimes.com/1270074/italy-transfers-first-group-of-migrants-to-albania>.

<sup>7</sup> Sertan Sanderson, "Italy's Migrant Processing Center in Albania to Welcome First Arrivals," *InfoMigrants*, October 2024, <https://www.infomigrants.net/fr/post/60563/italys-migrant-processing-center-in-albania-to-welcome-first-arrivals>.

<sup>8</sup> Marie Vaton, "Migrants : comment l'Albanie est devenue le terrain d'expérimentation des « hubs de retour » de l'Italie", *Le Nouvel Obs*, 15 October 2024, <https://www.nouvelobs.com/monde/20241015.OBS95005/migrants-comment-l-albanie-est-devenue-le-terrain-d-experimentation-des-hubs-de-retour-de-l-italie.html>

<sup>9</sup> Giorgio Mottola, "Hot Spot Albanese," *Rai Report*, accessed November 2024, <https://www.rai.it/programmi/report/inchieste/HotSpot-Albanese-bfe91627-a754-4c19-8075-72cc5e49fe70.html>.

<sup>10</sup> Presidenza del Consiglio dei Ministri, "Dichiarazioni alla Stampa con il Primo Ministro d'Albania: L'intervento del Presidente Meloni," *Governo Italiano*, October 2024, <https://www.governo.it/it/articolo/dichiarazioni-alla-stampa-con-il-primo-ministro-dalbania-l-intervento-del-presidente-meloni>.

government<sup>11</sup> to increase the visibility of this project and secure public support for the project. Despite the transparency around the conditions of this bid, the modifiable nature of the “safe” countries list which underlies the criteria of eligibility for irregular immigrants leaves unclear the details of the project.

On an international level, humanitarian organizations and institutions raised their concerns about potential human rights violations during these asylum procedures which are handled under Italian law on Albanian territories. The political expert at SOS Humanity, Mirka Schäfer, addressed the noncompliance of the disembarkation of migrants with the maritime law and pointed out its violation of the fundamental rights of refugees.<sup>12</sup> According to the expert, the lack of judicial examination within the detention centers was a serious issue that paved the way for potential abuses, including human trafficking and physical torture. Moreover, in the case of human rights abuse, due to the lack of scrutiny and observation mechanisms, it would be challenging to report a violation if it had to occur. Hence, under the pretext of outsourcing the management of migratory flows, the responsibility of protecting human rights is likely to be neglected. Amnesty International also supported this claim in the public statement where they condemned the deal as a potential infringement of human rights, in particular of the rights to liberty, asylum, and adequate remedy, of people transferred to Albania.<sup>13</sup> The idea of offshore centers for the asylum request processes was seen as detrimental to the mental health of the migrants, triggering social disintegration and hindering social adaptation once their asylum status is accorded.<sup>14</sup>

Taking into account the potential threats to human rights protection, the UN Refugee Agency (UNHCR) declared that they will be monitoring the implementation of the migration deal between Italy and Albania.<sup>15</sup> By doing so, UNHCR will act as an impartial organ, ensuring that international law standards are met all along the bilateral negotiations. Targeting the improvement of asylum seekers' and refugees' protection, UNHCR takes the responsibility to identify and report infringements to international human rights and refugee law. They have the mission to obstruct any sort of negligence or

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<sup>11</sup> Judith Sunderland, "Italy Migration Deal with Albania: A Costly, Cruel Farce," Human Rights Watch, June 6, 2024, <https://www.hrw.org/news/2024/06/06/italy-migration-deal-albania-costly-cruel-farce>.

<sup>12</sup> SOS Humanity, "Italy-Albania Agreement Violates Refugees' Rights," SOS Humanity, 2024, <https://sos-humanity.org/en/press/italy-albania-agreement/#:~:text=%E2%80%9CThe%20Italy%2DAlbania%20agreement%20violates.and%20violates%20their%20fundamental%20rights>.

<sup>13</sup> Amnesty International, *Italy: Containment at All Costs – Human Rights Concerns over Italy's Migration Management Policies*, EUR30/7587/2024 (Amnesty International, 2024), <https://www.amnesty.org/en/documents/eur30/7587/2024/en/>.

<sup>14</sup> Hélène Marra, "Migration (Italy): is Giorgia Meloni's policy a 'model' for Europe?", Europe Solidaire Sans Frontières, 31 October 2024, <https://www.europe-solidaire.org/spip.php?article72493>

<sup>15</sup> United Nations High Commissioner for Refugees (UNHCR). "Italy-Albania Protocol: UNHCR to Undertake Monitoring Activities to Safeguard Rights." UNHCR, 2024. <https://www.unhcr.org/europe/news/press-releases/italy-albania-protocol-unhcr-undertake-monitoring-activities-safeguard-and>.

responsibility-shifting of the public officials, ensuring that proper protection safeguards are put in place at each step of this asylum process.

## **Policy Solutions**

It is seen that institutions, non-governmental organizations, and independent organs are ready to strive for ensuring an environment sensitive to human rights and values. However, from a policy-oriented view, in order to decently address the issues and concerns raised around the Italy-Albania migration deal, policy solutions focusing on human rights, legal compliance, and sustainable practices are essential. First of all, accountability of the parties within the migration agreement should be enforced by strengthening the monitoring mechanisms that will exert scrutiny from a closer perspective. In the case of Italy and Albania, both countries' actions should be subject to an impartial committee, gathering representatives from multiple organizations such as Human Rights Watch, Amnesty International, and UNHCR under the same roof. A likewise multi-actor body would enhance transparent reporting for the deeds of parties involved in migrants' transfer and detention at the centers. These reporting activities could then become a regular practice, creating a safe space for migrants to file their complaints.

Regarding the condition of the migrants at the detention centers, their living circumstances should be investigated according to their compliance with the international law framework. The facilities should strictly meet the international standards for a decent living based on sanitary measures and basic provisions such as food, water, and personal space. Other than that, migrants detained in these centers should be informed regularly about the status of their application. In this regard, transparency and accessibility are crucial aspects of assisting these irregular migrants, which necessitates the establishment of help desks or information centers.

Last but not least, once the request of asylum seekers is met, it is equally important to ensure that their social integration is conducted as smoothly as possible. This social process should be anticipated as a complementary step of the overall asylum application, necessitating solid cooperation between diverse public departments. The Italian government should provide these migrants with sufficient resources for social services, whether that be facilitating their job search and cultural adaptation or managing the mandatory bureaucratic paperwork upon their arrival.

## **Conclusion**

Migratory flows across Europe are far from decreasing and there is an ongoing increase in the number of people who enter through the borders of Europe, especially of the European Union from

non-EU countries. In 2022, this number was around 5.1 million, demonstrating a rise of approximately 117% in comparison to the previous year.<sup>16</sup> Given these settings, it is no surprise that the countries seek regulations to control the number of asylum seekers within their borders. The bilateral agreement between Italy and Albania proves the seriousness of this global phenomenon, as the Italian government tries to cope with migrants by establishing offshore detention centers on Albanian territories. ,

Despite the concrete framework of the project which was shared explicitly with the public, the susceptibility of the legislation to modifications provokes criticism from humanitarian organizations. This volatility, notably relating to migrants' eligibility criteria to seek asylum, necessitates accurate policy solutions. Hence, a balance between the operational feasibility and ethical responsibility for the protection of human rights could be implemented. Aligning the conduct of the migration deal with international standards would also set the groundwork for future European policy frameworks. Thus, going beyond the specific case of Italy and Albania, an overall sensibility towards international human rights and refugee law would be enhanced.

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<sup>16</sup> Eurostat, "Statistics Explained," European Commission, accessed November 2024, <https://ec.europa.eu/eurostat/statistics-explained/index.php?oldid=415659>.

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