Input by the International Rescue Committee Italy for the Report of the Special Rapporteur on the human rights of migrants

Externalization of Migration and the Impact on the Human Rights of Migrants

Input on Italy
Focus on the Italy-Albania asylum deal

The Italy-Albania deal is one of the most striking examples of Europe's ongoing externalization of border control. Signed on 6 November 2023 and ratified through Law No. 14/2024, this agreement seeks to process asylum claims and detain migrants outside Italy's territory, specifically in Albania.
Under the deal, Italy set up three facilities on Albanian soil, all under Italian jurisdiction and control: the **Shëngjin hotspot,** dedicated to initial identification and screening, and the **Gjadër centers**, which serve as an asylum processing center and pre-repatriation detention center. The facilities are staffed by Italian police and medical personnel and managed by Medihospes, a private contractor. The system is reserved for **adult male asylum seekers from countries Italy deems "safe"**, following pre-screening at sea to exclude women, children, and vulnerable individuals.
Three rounds of transfers of asylum seekers to Albania have taken place since the set-up of the centers (October 2024, November 2024, and January 2025), with fewer than 80 individuals involved. In all cases, Italian courts ruled the detentions unlawful, and all individuals were returned to Italy.

Legal basis and implementation

While the Italy-Albania deal was initially presented as an informal agreement, public and parliamentary pressure forced the Italian government to seek formal ratification of the deal in the Parliament, which happened through Law No. 14/2024. The final arrangement includes significant legal complexity: although asylum seekers transferred under the deal are on Albanian territory, they are under **Italian jurisdiction** and subject to **Italian law.** The **Italian Ministry of the Interior** and the **Italian Navy** are primarily responsible for the implementation of the deal, while the operation role of Albanian authorities is minimal. Finally, asylum claims in Albania are examined through **fast-track procedures** set out under Legislative Decree No. 25/2008. One of the most debated aspects of the deal is the "safe country of origin" concept. The Italian government attempted to shield the "safe country" designation from judicial review by enacting Decree-Law No. 158/2024, upgrading the list from a ministerial decree to primary legislation. However, this list still controversially includes **Egypt and Bangladesh**, countries frequently cited for systemic human rights concerns.

Transparency and monitoring

Access to the text of the deal and implementing procedures was initially restricted. However, following pressure by civil society and freedom of information access requests, parts of the framework (such as SOPs for pre-screening) have been disclosed.

IOM and **UNHCR** are formally involved in vulnerability screening and monitoring respectively, but their roles are unclearly defined. In one of the three transfers of asylum seekers to Albania that took place since the beginning of the implementation of the deal, IOM was absent due to a lapse in its agreement with the Italian Ministry of the Interior. While UNHCR's first monitoring report was meant to be ready in January 2025, the publication of the report has been postponed to July 2025.

Informal monitoring is carried out by a coalition known as **Tavolo Asilo e Immigrazione (TAI)**, of which the International Rescue Committee Italy (IRC) is a member, and by members of the Italian and EU Parliaments. These delegations have visited Albania on the occasion of the transfers of asylum seekers and documented severe limitations. Monitoring visits have allowed to raise concerns with regard to restricted access to detention centers, delayed or obstructed communications with detained asylum seekers, and inadequate facilities for confidential legal consultations. There is **no established complaint mechanism for asylum seekers in Albania**, and no independent monitoring body has secured continuous access to the facilities.

Non-State actors

As mentioned above, non-State actors such as IOM and UNHCR are involved in the operational and monitoring phases of the deal implementation. **Medihospes**, the managing contractor for the Albanian centers, assists with legal briefings and basic services. Medihospes has assisted Italian authorities in legal information provision and in identifying vulnerable people during one of the three forced transfers, but this doesn't imply relieving Italian authorities of their responsibilities. Medihospes' role in privatized detention management raises concerns about reduced transparency and safeguards.

Use of technology

Technology supports externalization through **biometric registration** (fingerprinting, photo ID), **secure surveillance** in detention centers (video monitoring), and **confiscation and logging of personal devices**, preventing asylum seekers from contacting family or legal representatives.

Where data is stored remains unclear, although Italian authorities retain control. The absence of transparency on data management raises concerns about compliance with Article 8 of the European Convention on Human Rights (ECHR) and the General Data Protection Regulation (GDPR).

Furthermore, technology **exacerbates power imbalances and limits access to rights**, especially where it replaces or precludes interaction. In the January 2025 transfer, asylum seekers' phones were seized in international waters and only returned after disembarkation, cutting off communication with the outside world at a critical moment.

Human rights implications

Since the beginning of the implementation of the Italy-Albania deal, the practical and legal reality faced by asylum seekers forcibly transferred to Albania has raised **serious human rights concerns**. The implementation of the deal exposes individuals to physical confinement and prevents them from fully exercising their rights. Although people in the centers in Albania remain under Italian jurisdiction, the externalization of the asylum procedure hinders their access to rights guaranteed under Italian constitutional law and international human rights law. From the very beginning of the process, i.e.

interception at sea, their situation is marked by a **lack of transparency**, **inadequate safeguards**, and the **normalization of extraterritorial detention** under a "legal fiction" that places Italian law in operation within Albanian borders. This model not only externalizes responsibility but risks becoming a dangerous precedent within broader EU migration policy.

Human rights concerns are severe throughout all phases of the implementation of the deal.

The journey for asylum seekers begins at sea, where Italian Coast Guard or military vessels intercept boats in international waters. At this early stage, individuals are subjected to an initial pre-screening aimed at identifying obvious vulnerabilities. However, this **screening** often **lacks medical or psychological expertise** and is carried out under stressful and unsafe conditions. Phone confiscation is standard practice, leaving people unable to contact legal representatives or family. Those deemed not to have "visible" vulnerabilities are then transferred to military hub ships where a second, more formal screening takes place. This includes medical checks, biometric registration, and legal information sessions, yet these **procedures are deeply flawed**. In several cases, children were mistakenly classified as adults, and individuals with significant health issues or past trauma were only re-identified as vulnerable after additional questioning in Albania. These gaps highlight not just the poor quality of the assessment mechanisms, but also the lack of a consistent standard of care.

Upon arrival in Albania, asylum seekers are taken to the Shëngjin hotspot, where further identification and screening occur. Within 24 hours, individuals typically receive detention orders, followed shortly by asylum interviews conducted via video link. **The process is alarmingly rushed**: most applicants are interviewed within a day of arrival, with asylum decisions often delivered within 48 hours. In the absence of adequate legal support, language interpretation, or privacy, many individuals fail to understand the procedures they are subject to. Leaflets are distributed in multiple languages, but without direct assistance, those who are illiterate or unfamiliar with legal terminology remain uninformed about their rights and options. Although asylum seekers are formally entitled to legal counsel, the quality and timeliness of that support is highly variable. In many instances, lawyers are assigned just hours before detention validation hearings and are not permitted to meet privately with their clients. Interpreters, when available, are often insufficient, particularly for languages like Bangla, which is commonly spoken among asylum seekers. **These failings compromise the integrity of the process**, undermining the right to a fair hearing as guaranteed by Article 6 ECHR, the right to asylum enshrined in Article 10(3) of the Italian Constitution, and the right to equality before courts and tribunals and to fair trial safeguarded by Article 14 of the International Covenant on Civil and Political Rights (ICCPR).

Conditions within the detention facilities in Albania further exacerbate these legal and procedural shortcomings. The Shëngjin and Gjadër centers are heavily secured, with armed guards and constant surveillance. Although described as multipurpose reception facilities, the physical environment more closely resembles that of a prison. In Gjadër, different sections house individuals under fast-track asylum procedures, those in administrative detention, and even those accused of criminal activity. Cells are small, with minimal access to outdoor space or medical care. The **lack of psychological support** is particularly concerning, especially given that many detained asylum seekers have endured torture, trafficking, or trauma during their journey. According to monitoring reports, some people were held up to eight days without proper judicial validation, in direct violation of the 48-hour validation rule established under Italian law. This extended, undocumented deprivation of liberty raises critical questions about the legality of the entire operation.

Despite Italian authorities' insistence that the centers operate under full Italian jurisdiction, the fact that they are physically located in Albania has serious practical consequences. **Oversight is limited**, and access by NGOs, independent monitors, or journalists is highly restricted. The **outsourcing of asylum processing to third countries creates legal grey zones** where rights protections are systematically weakened. In the

case of Italy's deal with Albania, the fast-track nature of procedures, the remoteness of the facilities, and the inadequate support services all contribute to a system where fundamental rights are at risk of being sidelined in the name of alleged efficiency and deterrence.

Although the Italian government has attempted to strengthen the legal framework around the deal, the judiciary has continued to challenge the legality of the arrangement. Italian courts have repeatedly refused to validate detention orders issued under the protocol, citing violations of EU law and procedural guarantees. In all of the three transfer operations of asylum seekers, all people have ultimately been returned to Italy after legal challenges. This pattern underscores the **incompatibility of the current model with human rights norms** and calls into question its long-term viability. The IRC has pointed out that these legal setbacks demonstrate not only the fragility of the deal, but also the risks of constructing asylum systems around deterrence rather than protection. If replicated more broadly across Europe, such models threaten to erode the foundations of the international refugee protection regime.

The Italy-Albania agreement illustrates the dangers of externalizing asylum obligations through offshore detention and accelerated processing. It operates through mechanisms that routinely deprive individuals of their liberty, limit access to legal, medical and psychological support, and deny meaningful procedural safeguards. **The cumulative effect is one of systematic disempowerment and rights deprivation**. As the EU prepares to implement the Pact on Migration and Asylum, the lessons from this arrangement should serve as a warning, not a model.

Ultimately, the Italy-Albania agreement is emblematic of a broader shift in European migration governance - one that seeks to manage asylum claims at a distance, dilute legal obligations, and insulate political actors from accountability.