

## The first tour - The failure of Italian externalization policy in Albania



**Palermo, October 24, 2024** - The Italian government has made it happen: on October 14, the naval vessel LIBRA set sail from the waters off Lampedusa for Shengjin in Albania. The LIBRA had taken on the people who had been rescued by the Italian coastguard in international waters the previous evening. All the migrants had to remain on board for around 24 hours about 15-20 nautical miles from Lampedusa for a screening to determine



*Photo: Libra in the port of Shengjin, Europe other Collective/Melting Pot*

their gender, age, country of origin and possible need for protection. [16 people from Bangladesh \(6\) and Egypt \(10\)](#) were brought to Albania for an externalized fast-track procedure. This was a politically motivated effort that was carried out on the backs of 16 test persons and estimated costs of [250,000 - 290,000 euros](#) for this trip alone. Some media even speak of 320,000 euros. The international organizations UNHCR and IOM were aboard the LIBRA, complicit in the dirty game of externalization - a strategy much favored by EU Commission President von

der Leyen. The Italian opposition comments that this is just an expensive political fig leaf for the Meloni government; the budget could have been far better spent on the country's ailing healthcare system, among other priorities.

Incredible waste of public funds

But nothing is too expensive for the message 'our borders must be protected'! From what exactly is unclear. [In mid-October 2024](#), it became known that a number of construction contracts for the centers in Albania, worth at least 60 million euros, had been awarded without a tender. This raises questions not only about the rule of law in the handling of outsourced asylum procedures in Albania but also about the Italian government's compliance with proper procedures in the construction process. This will now lead to a series of parliamentary questions from the opposition and a complaint to the Court of Auditors. But Meloni's government is sticking with Albania.

Speaking of costs: Expensive rented ferries were originally planned for the transfers to Albania, but now a warship – not equipped to accommodate people - is sailing across the Mediterranean instead. But what will happen if there is no ship available to transport people to Albania? Because once they arrive in Italian waters, [the migrants can no longer](#)

be taken to Albania. Asylum law experts and former coastguard admiral Vittorio Alessandro are also wondering how this is to be regulated. And where is the principle of equality when some are forced into a border procedure outside the EU while others can move on Italian soil?

The ECJ ruling for the "safe countries of origin" - no confirmation of detention

If we thought last week that an ECJ ruling threatened to derail Italy's plans for Albania, the Italian government doesn't seem to care much. In a nutshell, the ruling from October 4, 2024 states that so-called safe countries of origin can only really be considered safe if all groups of people there are safe everywhere. However, this is not the case in countries such as Tunisia, Bangladesh and Egypt. According to the Italian government, these countries are nevertheless considered safe. Interestingly, judges in the province of Catania have so far unanimously rejected detention in border centers in Sicily, while judges in Palermo have ruled against it in the majority of cases. One of the reasons for this is the Italian Foreign Ministry's country reports, which classify precisely those countries that the Ministry of the Interior considers to be "safe" as dangerous in some cases. This was one of the reasons why Foreign Minister Antonio Tajani was defamed as a human trafficker by the party's youth organization at a Lega Nord event.

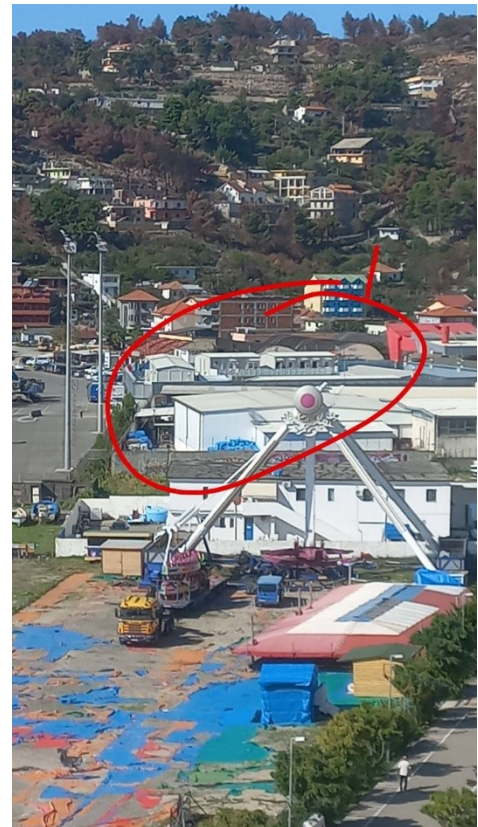


Photo: Shegjin Hotspot, Europe Other Collective/ Melting Pot

After only four people - two minors and two people with special needs, who therefore do not fall within the scope of the agreement - had to be returned to Italy by the Italian coast guard, the detention was not extended for the remaining 12 people either. The judges from Rome, who are responsible for the detention review, referred to the above-mentioned ECJ ruling. "The court, presided over by Luciana Sangiovanni, emphasized that the rights of the government cannot take precedence over European legal norms." Furthermore, the rejection of the asylum applications, which took place shortly after arrival in Albania, was not based on an appropriate legal basis, as the persons concerned had been unjustly detained in Albania. All 12 remaining people were taken to a reception center for asylum seekers in Bari. But even here, things were not made easy for them. It was only when a member of parliament from the PD (Democratic Party) visited them that they were given SIM cards so that they could call lawyers and families. Gennaro Santoro, who represents one of the 12 people, describes how he first had to contact the ombudsman responsible for people in detention and members of parliament and write numerous letters to the Ministry of the Interior in order to be able to speak to his client.



*Hotspot Porto Empedocle, next to which the border center for fast-track procedures has been established*

The two border centers on Italian soil, both located in Sicily, are also the focus of criticism from lawyers. [Rosa Emanuela Lo Faro](#), who has represented several migrants at an Italian border center, describes in an interview: “Migrants arriving in Albania are denied legal assistance, although they are entitled to it from the initial vulnerability screening on the receiving ship. This screening is carried out exclusively by officials of the Italian state. Why is this a violation of the right to defence? Because the public defence has no access to the client before the detention screening. I speak from personal

experience when I say that, as a public defender, I was only officially informed six hours before the screening. That's why I only had the opportunity to make a phone call at the arrival center to talk to my client. And this lead time is ridiculously short to get an overview of the legal situation and to familiarize myself with the facts.”

The government is irritated beyond measure

The Italian government was more than angry about the ordered failure of its Albania deal. [Senate President Ignazio La Russa](#) did not shy away from embarrassment and replied in an interview when asked about the safety of the countries of origin: “I know Egypt well. I would like to go there on vacation at Christmas, visit the pyramids and more. So it's not safe for me either? (...) If a foreigner applies for asylum and is granted it, they will never be sent back. But the laws of a country apply to others just as they do to me when I go there on vacation. Alba Parietti (Italian TV presenter, editor's note) says that Milan is completely unsafe: is that why Italy is like this?”. Italian Justice Minister Carlo Nordio went even further in his false allegations and [attacks on the judges](#): the ECJ ruling was not only “not binding”, but also “very complexly articulated and also written in French”, so that the judges [may not have read](#) or understood it well. Deputy Prime Minister Matteo Salvini also spoke of an “attack on Italy and the Italians” by a [politicized judiciary](#).

The new decree

The first trip to Albania is therefore a public debacle for the Italian government's externalization plans. It was foreseeable that it would not simply drop the plans and so the hastily convened Council of Ministers met on October 21 to create [a binding law](#) from the list of safe countries of origin. According to the government, this should “show judges the right way” in future. The government wants to hold on to the Albania deal by all means, as this will keep its right-wing voters happy regardless of the costs. EU Commission President Ursula von der Leyen has also shown interest in this model.

But what does the new decree really entail? “The only innovation is the introduction of the possibility for the government to appeal against judicial orders to detain migrants, in addition to appealing to the Supreme Court,” according to the daily newspaper Domani. The Court of Appeal then has 10 days to decide.

The decree has also removed three of the listed countries: Cameroon, Nigeria and Colombia are now no longer considered safe. The list is to be updated "at regular intervals". President Sergio Mattarella has signed the draft, which will now go to the Chamber of Deputies for approval.

According to Tommaso Foti from Meloni's Fratelli d'Italia, the decree is not a response to the judiciary, but is intended to "give certainty to legal actors". But what exactly is to change? Judges will still have to put EU law before national law. And this would not only mean the end of the Albania deal, but also the border centers for summary proceedings in Sicily. It also remains to be seen what the opposition's motions will bring. For example, the [Movimento 5 Stelle](#) and Italia Viva parties have lodged a complaint with the Court of Auditors about the deliberate exorbitant waste of public funds, as it should have been clear from the ECJ ruling that detention could not be extended.

It is therefore unclear what the new decree will actually achieve. However, many legal experts do not believe that the decree will change the legal situation. In an interview, Marco Benvenuti, [Professor of Constitutional Law](#) at La Sapienza University in Rome, said: "The ruling of the EU Court of Justice remains binding. The right to asylum must be exercised on Italian territory and the military ships that take migrants on board are equal to this right. Bringing them to Albania is therefore still a form of refoulement. This is the 'elephant in the room', the macro problem at the constitutional level".

The aggressive attacks against the judges and the accusation that they make decisions on a political level also remain in the air. It remains to be seen what this will lead to if further decisions put legal obstacles in the way of the new Italian border procedure system.

Judith Gleitze, [borderline-europe](#), Sicily

Translation: Luisa Mohr