



Report for

The Italian-Albanian agreement

New trends in European asylum policy

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The Italy–Albania migration agreement

The migration agreement between Italy and Albania took a step forward and made progress specifically in May 2024, after the Italian Chamber of Deputies approved a bill aimed at reducing illegal migration across the Mediterranean Sea from North Africa to Europe. The



Chamber of Deputies approved the bill with a majority of 155 votes to 115, with two deputies abstaining from voting. The bill now awaits approval from the Senate, which has a majority from the ruling coalition led by Prime Minister Giorgia Meloni.

About two months ago, Italy's Prime Minister Giorgia Meloni and Albania's Prime Minister Edi Rama signed a declaration of intent for the agreement to establish reception centers and process individuals previously transferred by responsible authorities on ships in international waters on their way to Italy.

The Italian-Albanian agreement stipulates the following:

The agreement between Italy and Albania includes the establishment of reception centers in Albania for migrants seeking to reach Italian shores via the sea. Italy will fully manage these facilities, expediting asylum requests for migrants while retaining legal responsibility for them. Italy will welcome migrants who receive international protection, with the possibility of deporting those whose requests are denied. Detainees within Italian waters will retain their right to apply for asylum and have their applications processed in Italy. The centers are scheduled to open in May 2024, managed by Italy, with the capacity to process up to 36,000 asylum requests in Albania.

Migration plan between Italy and Albania:

According to current plans, asylum applications will be processed at the designated centers, and rejected migrants will be promptly returned to their countries of origin. These centers are expected to accommodate about 3,000 people at the same time. Italy will fully manage these facilities according to Italian law, and they will be ready for operation starting from early 2025. It is noteworthy that, according to the plan, women and vulnerable individuals such as minors and the elderly will not be brought to Albania. The reception centers will be surrounded by a seven-meter-high wall to prevent migrants from leaving without permission. Additionally, legal assistance will be provided to migrants by representatives of international organizations, including the European Union, in accordance with Italian, Albanian, and European legislation.

Firstly, preparation for migrant reception centers in Albania: Next Steps:

In Gajdar, heavy construction vehicles are working on excavating and preparing the ground at the entrance of the former military base, where migrants awaiting a response to their asylum requests will be housed. The first reception structure to verify and register migrants upon their arrival in Albanian territory will be opened at the Shëngjin port (north). Subsequently, migrants will be transported to Gajdar, where according to this plan, they will be accommodated in reception centers built at the foot of Mount Kakarik.

The land development project in Gajdar indicates efforts to create the necessary infrastructure to ensure the provision of other essential services for accommodating migrants. The project includes allocating a reception center to accommodate potential migrants seeking international protection, while another building will be allocated to accommodate migrants whose asylum requests are rejected and will be returned to their countries of origin. During their stay at this facility, legal assistance will be provided to migrants by representatives of international organizations, including the European Union, in accordance with Italian, Albanian, and European legislation. This aims to ensure the necessary support for migrants and to ensure respect for their legal and human rights during their stay in these facilities.

Secondly, Suspension of Albanian Parliament's Approval and Protests in Tirana:

The Albanian Constitutional Court decided to suspend the Parliament's approval of the migration agreement with Italy after a group of opposition MPs, numbering around 30 deputies, filed a request to declare the agreement unconstitutional. Despite this decision, the final decision is still pending. In Tirana, a small group gathered outside the court to express their rejection of the agreement.

Thirdly, Italian Opposition Criticisms of the Migration Agreement with Albania:

The Italian opposition criticizes the agreement for not anticipating a significant impact on the number of migrants in the country, considering it as "electoral propaganda" for the current Prime Minister. The opposition estimates the cost of the agreement at around 650 million euros, pointing to an increase in migrant arrivals in Italy during the current period, with 100,938 people arriving by boats compared to 48,295 in the same period in 2022. Among these migrants, 10,290 unaccompanied minors arrived via the Mediterranean Sea in the first half of this year, most of whom came from Guinea, Ivory Coast, and Tunisia, often aboard unseaworthy boats.

Fourthly, Human Rights Organizations' Reactions to the Agreement:

Human rights organizations, including Amnesty International and the International Rescue Committee, strongly oppose this agreement, with the latter stating that it will push "people to more dangerous routes in search of safety." The International Organization for Migration also confirmed that around 100 people have died or gone missing in the central and eastern Mediterranean Sea since the beginning of 2024, which is half the number compared to the same period in 2023, which was considered the deadliest year for migrants at sea to Europe since 2016. The International Rescue Committee IRC, a non-governmental organization, condemned the agreement as "devoid of humanity," while Amnesty International criticized it as "impractical, harmful, and unlawful." The director of the committee in Europe, Imogen Sudbery, considered "asylum-seeking a fundamental right for anyone, regardless of their origin or the way they arrived." However, despite this, the Italian Asylum and Migration Network presented a document affirming that the agreement "contradicts national, international, and European legislation, and carries the risks of serious violations of human rights," by enforcing EU legislation beyond territorial

borders, which is not allowed by European law. As Albania is not currently a part of the European Union, EU law cannot be applied there. However, the European Union has expressed interest in the agreement, confirming that the centers will be managed under Italian law and not Albanian law. Since Italy is the EU member state and not Albania, it is preferable to manage it under Italian law.

Europe Tightens Asylum Rules and Sends More to Third Countries:

Just a month before the European elections, expected to result in the rise of far-right parties, the European Union agreed on a historic reform of immigration and asylum policies after about a decade of debate. With the passage of this massive legislative package, some countries are striving to tighten the policies of the European bloc and send more migrants to third countries for evaluation of their asylum requests, according to the French Press Agency. In a move that



reflects the culmination of a difficult settlement on an issue that has stirred tensions and divisions among EU member states for years, the European Parliament voted on extensive amendments to asylum policies.

During a plenary session in Brussels, opposition activists briefly disrupted the voting on this reform, but the new "Migration and Asylum Pact" received majority support. With 322 members voting in favor of the pact, while 266 opposed it, and 31 members abstained from voting, according to the European Parliament website.

Firstly, Highlights of the New Migration Agreement: The European Union witnesses a significant shift in immigration and asylum policies with the adoption of the new "Migration and Asylum Pact," aimed at regulating migrant flows into the bloc more effectively. The following are the key aspects of the new asylum policy at all levels:

For New Arrivals:

Thorough Screening: Irregular migrants will undergo comprehensive screening including identity, health, and security checks, along with fingerprinting and photographing, within a period of up to 7 days. This procedure aims to ensure the entry of safe and reliable individuals into the European Union, by accurately identifying migrants and preventing the infiltration of dangerous elements.

- 1. Special Protection for Children:** The new package places special emphasis on protecting migrant children, granting them special treatment with the establishment of independent oversight mechanisms to ensure respect for their rights. This is a positive step towards ensuring that children receive the necessary care and support during their difficult migration journey.
- 2. Path Determination:** The procedure aims to assess the situation of each migrant to determine whether they will receive fast-track or regular processing of their request, or if they will be returned to their country of origin or transit country. This process seeks to effectively sort migrants and prioritize asylum requests based on each case's needs.

At the European Union Level:

Border Control Tightening: The new package tightens measures at the European Union's borders and obliges all member states to share responsibility for receiving arrivals. This includes enhancing border surveillance and using advanced technology to identify migrants and prevent illegal entry.

- 1. Hastening Motivations:** Supporters of the agreement sought its passage before the European elections for fear of far-right parties' dominance in the Parliament and to prevent the adoption of reforms. This indicates concerns about the return of strict immigration policies if far-right parties dominate the European political scene.
- 2. Implementation:** The measures are expected to be implemented in 2026, with details of implementation awaiting determination by the European Commission. This allows member states time to prepare and equip the necessary infrastructure for effectively implementing the agreement.

Managing Asylum Requests:

Asylum requests will be managed through the following steps:

1. Border Detention Centers: New centers will be established at the borders to detain irregular migrants during the processing of their asylum requests. This measure raises concerns among human rights organizations, fearing inhumane detention conditions and violations of migrants' rights.

2. Expedited Deportation: The process of deporting those rejected from entering the European Union will become faster. The aim is to deter illegal immigration and send a message that crossing borders illegally will not grant the opportunity to stay in the European Union.

Secondly, Solidarity Among Member States:

Solidarity among member states takes several forms, including:

1. Mandatory Reception: The package obliges EU member states to receive refugees from "frontline" countries such as Italy and Greece. This is a step to ensure fair distribution of the responsibility for receiving migrants among member states and to prevent an overwhelming burden on specific countries.

2. Financial Support: If a country refuses to receive refugees, the package obliges it to provide financial support or other resources to countries bearing the burden of receiving them. This contributes to enabling countries to provide basic needs for refugees and improve their living conditions.

However, Hungarian Prime Minister Viktor Orban strongly opposed the new package, considering it a burden on his country and a threat to its national sovereignty. This is due to differences in political and economic capacities among EU member states.

Thirdly, Streamlining Processes in the New Migration Agreement:

The new migration agreement in the European Union aims to bring about a significant shift in the way asylum requests are handled by streamlining procedures, especially for those coming from countries with high rejection rates for asylum requests. The main goal is to accelerate the asylum request processing, with rapid screening being a key element in this

agreement, focusing on countries where the rejection rate reaches 80% or more. This category includes countries such as Tunisia, Morocco, and Bangladesh.

The stages of screening include:

1. Identifying High-Rejection Countries: Countries that frequently reject requests from their citizens are identified through data analysis and evaluation of acceptance and rejection rates.

2. Processing Requests in Designated Centers: Asylum requests from countries with high rejection rates will be processed in designated centers close to the "external borders" of the European Union, i.e., at land borders and ports, with the possibility of using airports as well. This aims to reduce the time needed to process requests and accurately identify migrants.

3. Use of Detention Centers: The rapid screening process may require the use of temporary detention centers for migrants awaiting the outcome of their requests. However, alternative measures such as isolating them in designated homes may be used to ensure respect for their rights and dignity.

4. Capacity of Detention Centers: The new detention centers have a capacity to accommodate up to 30,000 people at any given time. The European Union expects up to 120,000 migrants to arrive annually, taking into account the needs of each center.

5. Special Detention: Unaccompanied minors believed to pose a security risk, as well as families accompanied by children, will be detained in specialized centers to ensure their safety and proper care.

Fourth: Concerns and Challenges

The rapid screening process and detention centers raise concerns about inhumane detention conditions and violations of migrants' rights. The European Union emphasizes the need to respect migrants' rights and dignity at all stages of the screening and detention process. Member states of the European Union may also face difficulties in integrating migrants whose asylum requests have been accepted into local communities, especially with the increasing numbers of arrivals. This requires effective policies for migrant integration and providing them with opportunities for employment, education, and housing.

Sharing Refugee Responsibilities: The New Solidarity Mechanism

Updating the "Dublin mechanism" is one of the key features of the new migration agreement in the European Union. This mechanism aims to address the challenges faced by countries located on the frontline of migration, such as Italy, Greece, and Malta, which bear a huge burden in terms of receiving migrants and refugees.

The third Dublin mechanism:

The first country a asylum seeker enters on European Union territory remains responsible for processing their request, with some exceptions.

1. New Criteria for Transferring Asylum Requests: The new rules introduce additional criteria allowing for the transfer of asylum seekers' files to other EU countries in specific cases, such as family links; if an asylum seeker has family members legally residing in another EU country, their request can be transferred to that country. Additionally, in cases of health conditions where an asylum seeker requires specialized medical care not available in the first country, their request can be transferred to a country with the necessary medical facilities.

2. Absorption Capacity: If the first country faces difficulties in absorbing a large number of asylum seekers, some files can be transferred to other countries with greater absorption capacity.

Mandatory Solidarity Mechanism:

1. Fair Distribution of Responsibilities: The new solidarity mechanism obliges EU member states to receive a certain number of asylum seekers arriving at the bloc's borders. This aims to share the refugee burden more fairly and alleviate pressure on frontline migration countries.

2. Alternative Options: If a country chooses not to receive asylum seekers, it can instead provide financial contributions or other forms of support to countries receiving migrants. These contributions may include sending experts, equipment, or financial resources to assist with reception and integration efforts.

Resettlement Mechanism and Payment System in the New Migration Agreement:

1. Resettlement System: The European Union expects at least 30,000 asylum seekers annually through the new resettlement system.

2. Payment Instead of Hosting: Member states offer the option of providing a financial compensation of 600 million euros (650 million dollars) to countries that prefer to receive migrants instead.

3. Emergency Response: The new package outlines an emergency response mechanism to deal with unexpected influxes of migrants, similar to the crisis faced by the European Union in 2015 and 2016 when over two million asylum seekers arrived in the bloc.

4. Increase in Asylum Applications: The number of asylum applications reached approximately 1.14 million in 2023, the highest level since 2016.

Limited Protection Measures:

1. Extended Detention Periods: The new package allows member states to reduce protections for asylum seekers, allowing them to be held for longer periods in detention centers on the external borders of the European Union.

2. Addressing Migration as a Tool: The European Union expresses concerns about some countries using migrant flows as a political tool to destabilize the bloc.

3. Accusations Against Belarus and Russia: The European Union points to accusations against Belarus and Russia for encouraging migrants to attempt to enter the European Union to destabilize it.

Analysis of the "Safe Third Country" Principle:

The "Safe Third Country" principle may be applied when examining asylum seekers. This could mean rejecting the asylum request of an illegal migrant who entered the European Union through a country considered "safe" enough. However, to activate this, there must be sufficient "connection" between the asylum seeker and the transit country.

Hungary and Poland voted against all the legislation, which was approved by a qualified majority (55% of the member states representing at least 65% of the EU's population), while Austria and Slovakia voted against some of these laws. These immigration and

asylum laws are the result of years of serious negotiations, which began due to the massive influx of irregular migrants from Syria and Afghanistan to Europe in 2015. The new laws have drawn criticism from migrant rights organizations, as well as from some nationalist governments, which may be seen as weak.

In conclusion, the world is awaiting the upcoming European elections and whether the far-right parties will win. If these parties win the next elections, they will seek to implement the new asylum policy by all means without considering the humanitarian and rights aspects of refugees, and all policies will be in the interest of the EU member states.

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