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Borders Beyond Borders: The Italy-Albania Protocol and the Paradoxes of EU Migration Externalization

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Abstract: *This policy report examines the Strengthening Cooperation in Migration Matters Protocol between Italy and Albania signed in November 2023. The agreement establishes two detention centers in Albania, at Shëngjin and Gjadër, under Italian jurisdiction. While presented as an innovative tool for migration management, the protocol raises major concerns over compliance with EU and international law, as well as human rights standards.*

This analysis highlights two key issues within the broader complexity of classifying mixed migratory flows and navigating international legal frameworks: the EU's ambiguous stance on bilateral externalization initiatives, and the persistence of failing forward approaches that weaken institutional credibility. The report argues that this trajectory undermines both EU solidarity and the ongoing reforms of the Common European Asylum System (CEAS).

Finally, it outlines alternative pathways: frameworks that engage EU institutions, member states, and migrants themselves; responses that address structural drivers such as conflict and inequality; and counter-narratives that elevate migrant voices. Taken together, these perspectives point toward a more ethical and effective model of migration governance.

Executive Summary

On November 6, 2023, Italy and Albania signed the Strengthening Cooperation in Migration Matters Protocol establishing two extraterritorial detention centers in Shëngjin and Gjadër, Albania. These facilities, financed by Italy and under Italian jurisdiction, are designed to process asylum claims and facilitate repatriations. The arrangement reflects a broader trend in migration governance of shifting border control functions outside national territory.

The protocol has triggered strong criticism. Legal experts question its compatibility with EU law and the principle of non-refoulement. Human rights groups warn of risks of collective expulsion, arbitrary detention, and weakened procedural safeguards. Operationally, the centers remain largely underused while costs escalate, leading the Italian government in March 2025 to repurpose them as repatriation hubs for migrants already rejected from Italy.

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This report identifies two dynamics that situate the protocol within a wider European context:

- **Crisis narratives:** migration and asylum are persistently framed as an existential emergency, even when arrivals remain statistically few. This discourse fuels sensationalism and fear, legitimizing restrictive responses and obscuring structural drivers of mobility; and
- **Failing forward:** rather than reforming the Common European Asylum System, EU institutions repeatedly settle for lowest-common-denominator compromises. These incremental fixes sustain dysfunction, weaken solidarity, and allow member states to pursue unilateral experiments such as the Italy–Albania protocol.

While questions of legal classification and migrant categories add further complexity, the central paradox lies in this interplay between crisis-driven politics and institutional inertia.

To move beyond these dynamics, this report recommends a shift from reactive crisis management to comprehensive migration governance. This means addressing structural drivers of migration, expanding safe and regular pathways, ensuring accountability in cooperation with third countries, and fostering counter-narratives that give voice to migrants themselves.

1 Introduction

On November 6, 2023, Italy signed the bilateral Strengthening Cooperation in Migration Matters Protocol with Albania to relocate part of its asylum procedures beyond national borders. The protocol establishes two detention centers in Albania: one at the port of Shëngjin, and another inland at Gjadër (see Figures 1 and 2), both financed by Italy and operating under Italian jurisdiction for an initial five-year period, with a combined capacity not exceeding 3,000 individuals (Italy–Albania Protocol 2023). Transfers apply to non-vulnerable migrants intercepted by Italian authorities outside EU territorial waters, including those rescued in search and rescue operations, and originating from countries designated as Safe Countries of Origin (SCoO).

This arrangement is unprecedented within the European Union. Albania has long maintained a close relationship with Italy (Faggiani 2024), dating back to the Treaty of Friendship signed in 1995. Yet in this case, Albania is neither the country of origin nor country of destination, but rather a third state agreeing to host individuals on behalf of another state. The novelty of this scheme raises significant legal, operational, and ethical concerns (Carrera et al. 2023; Muharremaj and Cami 2024), particularly with respect to how Italy designates SCoO (ASGI 2024).

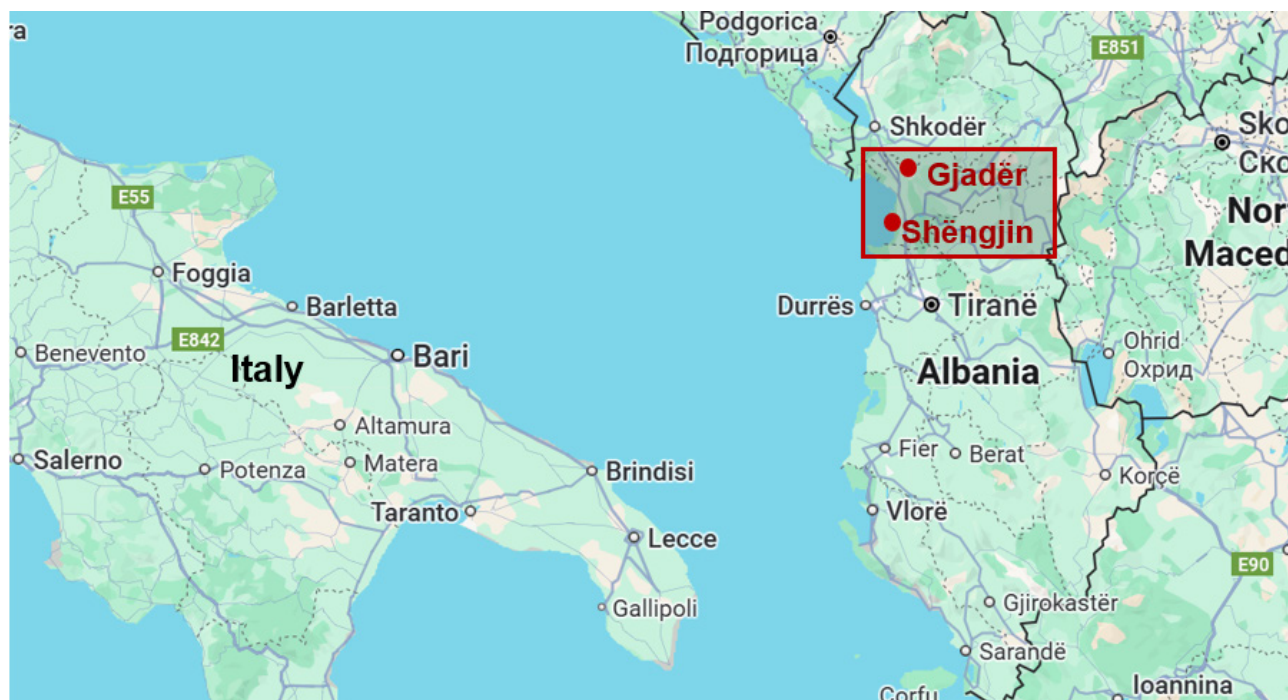


Figure 1. Sites designated by the 2023 Italy–Albania Protocol. Source: Google Maps, with author’s elaboration.



Figure 2 . Gjadër camps, Albania. Source: Millona 2025, CC BY-NC-SA 4.0.

In January 2024, the Court of Justice of the European Union (CJEU) ruled that a country can only be designated as “safe” if safety applies to all individuals across the entire territory, including vulnerable groups such as LGBTIQ+ persons, survivors of female genital mutilation, and human rights defenders (CJEU 2024). The ruling invalidated Italy’s approach to countries like Bangladesh and Egypt, leading an Italian court to halt repatriations. On August 1, 2025, a further CJEU ruling confirmed this orientation, striking down Italy’s interpretation of SCoO and directly questioning the legal foundations of the Italy–Albania arrangement (CJEU 2025).

Against this backdrop of legal uncertainty, the protocol has produced limited operational results. Within more than a year, only three landings occurred, and the facilities remained underused while management expenses soared (Camilli 2024; Alessio 2025). Available studies confirm both the high costs, estimated at €74.2 million for construction and about €570,000 in annual management expenses, and the weakness of oversight (ActionAid and Università degli Studi di Bari “Aldo Moro” 2025). On March 28, 2025, the Italian government adopted an emergency decree repurposing the Albanian centers to detain individuals whose asylum claims had already been rejected by Italy. On April 11, 40 people were transferred, though their length of detention remains unclear: under Italian law, it may last up to 18 months. The government framed this shift as aligning with a European Commission proposal, formally

presented in March 2025, to create repatriation hubs at the EU’s external borders. Yet as observers have noted, the EU has remained silent on Italy’s chosen course of action: there is no institutional coordination, no common roadmap, nor even a pilot project (De La Feld 2025).

Politically, the government led by Prime Minister Giorgia Meloni has presented the protocol as a strategic and “innovative solution” to what it describes as “record” levels of irregular migration in 2023 (Fratelli d’Italia 2025; Meloni 2025). Yet this solution emerges in a context where the very notion of a “migration crisis” is contested. As in 2015–2016, when the so-called Refugee and Migrant Crisis was frequently sensationalized and portrayed as an “invasion”, the narrative often diverges from statistical evidence (Berry et al. 2015; Beaupré 2023). Data for 2023–2024 show that new arrivals represented only 0.2 percent of the EU’s total population, concentrated mainly in Germany, Spain, and Italy (Eurostat 2025). The gap between perception and reality underscores a governance vacuum in which competing interpretations proliferate (Missing Migrants Project 2024; Osso 2024).

Rather than filling this vacuum with coordinated, sustainable approaches, the Italy–Albania Protocol risks reinforcing a logic of “asylum exceptionalism” in which vague definitions of “safe countries” lower protection standards and undermine rights. Far from strengthening European migration governance, it may deepen its

inconsistencies, raising questions not only about legal compliance but also about the EU's ability to craft credible, rights-based responses to the structural challenges of human mobility.

This report proceeds as follows: **Section 2** situates the Italy–Albania Protocol within the theoretical framework of border externalization and briefly retraces multi-national trajectories. **Section 3** outlines the research framework and the empirical context. **Section 4** presents the conclusions, while **Section 5** offers policy implications and recommendations drawn from challenges identified throughout this analysis, with particular attention to the dynamics of crisis narratives and failing forward.

2 Externalization and Its Discontents: The Italy–Albania Protocol in Context

The Italy–Albania Protocol does not fit into existing studies of asylum and migration policy. Its shifting legal basis, evolving decrees, and uneven implementation make it difficult to classify, yet the literature suggests that the most useful lens is still that of externalization: the protocol belongs to this family of practices while at the same time challenging the categories of EU asylum law and testing their scope (Carrera et al. 2023; Faggiani 2024).

2.1 Externalization as an Umbrella Concept

Following Tan (2021), De Leo and Celoria (2025) observe that the concept of externalization has expanded since the early 2000s into an umbrella term for a wide range of migration control practices that affect the rights of asylum seekers and refugees. Garlick (2021) defines externalization as encompassing “measures taken by States unilaterally or in cooperation with other States that are implemented or have effects outside their own territories, and which directly or indirectly prevent asylum seekers and refugees from reaching a particular destination country or region, and/or from being able to claim or enjoy protection there.” This definition captures both preventive and displacement dimensions: the border is projected outward, and responsibility for protection is shifted elsewhere.

In the European context, this strategy, often described as “shifting borders”, has become widespread (Cantor et al. 2022). Italy has been both a promoter and laboratory. De Leo and Celoria (2025) identify two main approaches: preventing arrivals into EU territory, and removing people by outsourcing responsibility to third countries. Building on this, they describe three modalities of migration governance: non-arrival, non-admission, and externalization. The Italy–Albania Protocol combines all three by:

- Envisioning non-arrival, by intercepting individuals before they reach Italian shores;

- Producing non-admission, by placing them in spaces where access to asylum procedures is curtailed; and
- Embodying externalization, by transferring detention and processing to a third state.

This hybrid approach stretches the very concept of externalization, exposing governance gaps that reflect the EU's broader inability to move beyond crisis-driven responses.

2.2 Italy and the Contradictions of Externalization

Italy's role in externalization is both long-standing and distinctive. In 2020, Italy signed a technical agreement with the UN Office for Services and Projects to support Tunisia's border control and anti-smuggling efforts. Through the Rewarding Fund for Repatriation Policies, additional projects financed returns, making Tunisia the main destination for Italian repatriations (over 70 percent in 2020–21). In Libya, the Memorandum of Understanding first signed in 2017 and renewed in 2020 and 2023 channeled Italian funding, equipment, and training to the Libyan coastguard, establishing a system of interceptions at sea. This system has been widely denounced for enabling pushbacks, arbitrary detention, and systematic rights violations, and was judged unconstitutional by an Italian court (ECRE 2024).

The Adriatic frontier reveals an even longer history. Since 1999, Italy has carried out refoulements from ports such as Ancona and Bari to Greece under a bilateral accord never ratified by parliament. As Albahari (2015[a]; 2015[b]) documents, these practices blurred the line between care and coercion: humanitarian rhetoric of rescue coexisted with blockades and expulsions. The tragedy of the *Kater i Radës* in 1997, when more than 80 Albanians died after colliding with an Italian naval ship, occurred in the context of a naval blockade in the Otranto Channel aimed at preventing departures from Albania. This episode remains emblematic of how solidarity and exclusion have long intersected across the Adriatic. It also illustrates the shifting nature of Italy's relationship with Albania, from the mass departures of the 1990s, in the context of Albania's internal instability, to today's bilateral cooperation in containing mobility—an evolution of relations both complex and apparently paradoxical.

2.3 Border-Shifting in the EU and Beyond

At the EU level, externalization has become central to migration governance. The Global Approach to Migration and Mobility (2011) already framed mobility through the lens of security, linking cooperation to biometric controls and readmission. As Albahari (2023) observes, the Valletta Summit on Migration held in 2015, which gathered EU leaders and 35 African countries, institutionalized this approach by launching the EU Emergency Trust Fund for Africa and embedding

migration management in broader security and development agendas (European Council 2015). One year later, the EU–Turkey Statement introduced a form of “cooperative deterrence”: Turkey agreed to readmit irregular migrants in exchange for €6 billion in EU financial assistance, promises of visa liberalization for Turkish citizens, and a one-for-one resettlement scheme for Syrian refugees deported from Greece (European Council 2016).

It is worth mentioning that, even beyond Europe, the use of similar strategies is evident. Australia’s offshore processing on Nauru and Papua New Guinea, and the UK and Denmark’s attempted asylum partnerships with Rwanda, confirm a broader trend among wealthy states of deterring arrivals by relocating responsibility elsewhere (Cantor et al. 2022; Faggiani 2024). Each context differs, but the same issues of legality, accountability, and human costs reappear. Together, these experiences reveal two paradoxes. First, externalization is presented as innovation but largely recycles deterrence strategies. Second, while framed as pragmatic, such measures often create deeper legal and humanitarian crises. According to Muharremaj and Cami (2024), the Italy–Albania Protocol represents both a continuation and a rupture within the wider externalization trajectory: it borrows from earlier models yet outsources detention and asylum processing to a neighboring state that is neither of origin nor transit. This makes it a “non-model practice”, difficult to replicate and symptomatic of the EU’s tendency to fail forward into ad hoc experiments rather than building coherent governance.

3 EU’s Policy Landscape: Legal Ambiguities and Public Narratives

EU migration governance continues to oscillate between normative commitments and restrictive practices. While CEAS enshrines solidarity and protection, member states often privilege deterrence and containment. Scholars describe this paradox as “organized hypocrisy”: the institutionalized ability to “say one thing while doing another” to reconcile conflicting pressures, allowing the EU to project a moral identity based on human rights while normalizing externalization and containment practices that contradict its own legal standards (Lavenex 2018). Crises rarely lead to structural reform; instead, they generate a dynamic of failing forward in which limited and often temporary policy bargains reproduce systemic flaws, turning dysfunction into a mechanism of continuity that sustains rather than transforms the CEAS (Beaupré 2023).

3.1 Between Commission Ambivalence and CJEU Oversight

The Italy–Albania Protocol embodies these contradictions. Unlike earlier externalization schemes, it maintains Italian jurisdiction within Albanian centers, raising

new questions about territoriality and the applicability of EU law. The European Commission has adopted a measured response. While insisting that the arrangement be “without prejudice to the *asylum acquis*”, it effectively allowed Italy to proceed, creating a political grey zone (European Parliament 2025; ASGI 2025). In March 2025, it even advanced a proposal to establish EU-wide return hubs, blurring the line between unilateral experimentation and common policy (European Commission 2025).

The Court of Justice of the European Union (CJEU), by contrast, has moved in the opposite direction. Its rulings in 2024 and 2025 invalidated Italy’s designation of certain countries as “safe”, stressing that safety must apply across the entire territory and to all individuals, with no group-based exceptions (ASGI 2024; CJEU 2024; CJEU 2025). As Benvenuti (2016) has shown, however, the very concept of SCoO is problematic. By shifting from individual to collective assessment, it presumes safety on the basis of nationality, creating the risk of “first- and second-class migrants” and undermining the Geneva Convention’s principle of individualized refugee status determination. The CJEU’s rulings expose these weaknesses but do not provide policymakers with clearer tools for operationalizing SCoO designations, leaving the system suspended between conceptual fragility and legal enforcement.

This split, with the European Commission on one side and judicial enforcement on the other, illustrates the persistent stalemate at the heart of EU migration policy. It is in this vacuum that organized hypocrisy endures: the Union publicly commits to rights, while its governance structures enable practices that undermine them.

3.2 Media Narratives and the Politics of Perception

These institutional contradictions are amplified by media framing. During both the 2015–2016 Refugee and Migrant Crisis and the 2023–2024 arrivals, migration was depicted as an existential invasion, even though new arrivals in both cases amounted to only 0.2 percent of the EU’s population (Eurostat 2025). Public perception was shaped less by facts than by a feedback loop between sensationalist coverage and political actors exploiting fear (Berry et al. 2015; Beaupré 2023). Terminological confluences between “asylum seekers”, “refugees”, and “economic migrants” further blurred distinctions, legitimizing nationality-based shortcuts that denied asylum access to entire groups. As Beaupré and Fischer (2020) note, during the so-called Migrant Crisis in 2015–2016, the label “refugee” became a catch-all category in political and media discourse, collapsing distinct legal meanings into a single image that reinforced exclusionary responses among member states.

Yet, as Osso (2024) reminds us, alternative narratives are possible. First-person testimonies from refugees foreground agency and voice against dehumanizing

depictions. These bottom-up accounts challenge the dominant crisis discourse and highlight that refugees are not passive objects of governance but active political subjects.

3.3 A System at Risk of Entrenching Exceptionalism

Beneath the political noise, scholars have also pointed to the resilience of the EU's technical infrastructure. Pelizza and Loschi (2023) describe this as "infrastructural Europeanism": databases, biometric systems, and administrative routines continue to bind member states together, even in times of political fragmentation. While political bargains stall, technical coordination sustains a degree of continuity.

This paradox underscores the layered nature of EU migration governance: politically fractured, legally contested, but administratively maintained. The Italy–Albania Protocol crystallizes this tension. Advanced under conditions of legal ambiguity, institutional silence, and media pressure, it risks entrenching exceptional practices in asylum governance, turning a temporary deviation into the rule. In doing so, it further exemplifies the EU's cycle of crisis narratives and failing forward, undermining both credibility and the Union's normative foundations.

4 Conclusions

This analysis of the Italy–Albania Protocol highlights a concerning trajectory in European migration governance. While presented by the Italian government as an innovative solution to domestic challenges in managing migratory flows, the arrangement ultimately illustrates broader systemic issues in the EU's approach to asylum and migration.

4.1 A "Non-Model Practice" in Externalization

The Protocol establishes extraterritorial detention and asylum processing facilities under Italian jurisdiction on Albanian soil. As De Leo and Celoria (2025) observe, its main purpose has been to bypass domestic obstacles to creating new detention centers in Italy and to ease logistical pressures from sea arrivals. Yet the initiative operates in a zone of legal uncertainty, raising unresolved questions under Italian, EU, and international law. Legal scholars warn that such arrangements risk setting a negative precedent for the European Union, weakening accountability and consistency with EU benchmarks (Carrera, Campesi and Colombi 2023). For these reasons, the protocol appears less a replicable model for European cooperation than a cautionary case, exposing the institutional and legal contradictions of current externalization practices (Muharremaj and Cami 2024).

4.2 The Manipulation of the "Migration Crisis" Narrative

In Italy, political discourse has long portrayed migration as a recurring "emergency." This narrative, repeatedly revived in 2015 and in 2023, has served to sustain a sense of ongoing "crisis" (Fratelli d'Italia 2025) and to justify increasingly restrictive measures. Yet statistical evidence indicates that both in 2015–2016 and in 2023–2024, the so-called "emergency" involved flows representing barely 0.2 percent of the EU population. This gap between perception and reality has been amplified by media coverage, which often emphasizes numbers and border incidents over context and proportionality, while the root causes of migration, such as conflict, inequality, and climate pressure, receive comparatively little attention. The difficulty of classifying migration flows has further encouraged nationality-based shortcuts, which risk undermining the principle of individual asylum assessment.

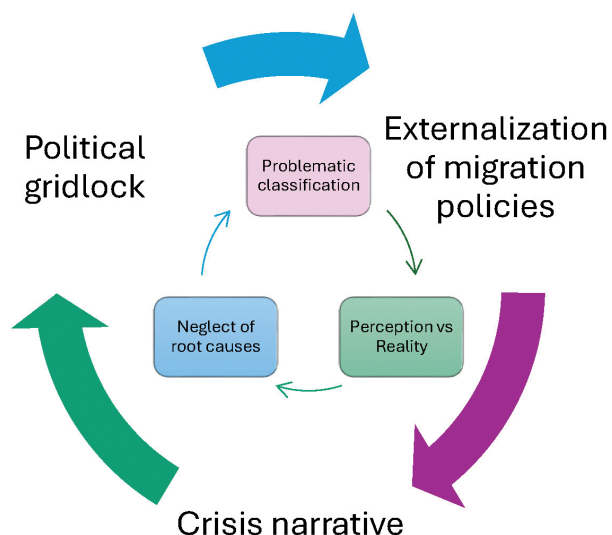


Figure 3. The feedback loop of EU migration policies. Source: the author.

The Italy–Albania Protocol therefore shows how crisis-driven politics and institutional inertia converge to produce temporary fixes that neither resolve underlying challenges nor strengthen EU solidarity. Rather than offering a viable model, the protocol underscores the need for comprehensive, coordinated, and rights-based reform of European migration governance.

5 Implications and Recommendations

The Italy–Albania Protocol exemplifies broader trends in EU migration governance and raises implications for rights protection, institutional cohesion, and public

debate. Building on the analysis above, this section first outlines areas of negative impact, and then sets out recommendations for stronger accountability in external cooperation, clearer coordination among EU institutions and member states, and the promotion of alternative narratives by policymakers, civil society, and the media.

5.1 More Precarity, Less Tolerance

The Italy–Albania Protocol exemplifies deep fault lines in EU migration governance: weak legal safeguards, fragmented institutional coordination, and limited political accountability. These structural contradictions reflect a broader pattern that undermines rights protection, institutional cohesion, and the narratives shaping public debate.

Erosion of human rights and accountability.

Externalization policies that involve extraterritorial detention and processing create conditions of legal and political uncertainty. By placing facilities outside EU territory but under member state jurisdiction, they complicate judicial oversight and blur responsibility for potential rights violations. Migrants face significant barriers to effective remedies, while the absence of robust monitoring mechanisms leaves gaps in legal assistance. In this area, national courts, the European Parliament, and oversight bodies should play a stronger role in ensuring that safeguards are not weakened when procedures are displaced.

Undermining EU cohesion and values. When individual states act unilaterally, they weaken the principle of solidarity and undermine the credibility of the EU as a rights-based actor. The European Commission has thus far allowed such experiments to proceed without establishing a clear common framework, leaving the Court of Justice to intervene *ex post*. This imbalance reinforces the perception of an EU unable to provide coherent and collective responses. Stronger coordination at the institutional level is needed to prevent bilateral deals from fragmenting the Common European Asylum System.

Perpetuation of unsustainable solutions. Treating migration primarily as a crisis sustains restrictive measures (deterrence, externalization, and repatriation) that address symptoms rather than causes. Such approaches risk empowering smugglers, pushing migrants onto more dangerous routes, and intensifying vulnerability. Long-term solutions require member states and EU institutions to invest in prevention and to expand legal pathways, rather than relying repeatedly on deterrence.

Misinformed public discourse. The constant framing of migration as a crisis amplifies xenophobic attitudes and reduces tolerance. Political actors and parts of the media reinforce alarmist framings, while structural

drivers of mobility (conflict, inequality, environmental change) remain largely absent from the discussion. Civil society organizations and independent journalists attempt to counterbalance this by documenting rights violations and providing alternative narratives, but their impact is limited without broader institutional support and visibility.

5.2 Breaking the Cycle of Crisis Politics

To move beyond the paradoxes of externalization and crisis-driven governance, the EU needs a more comprehensive and sustainable approach to migration. The recommendations in this section aim to provide guidance for institutions and policymakers at multiple levels.

From crisis-response to comprehensive governance.

Migration should be acknowledged as an ordinary phenomenon, a structural feature of globalization rather than as a recurring emergency. This requires policy frameworks that regulate the entire migration cycle in an orderly and predictable way. Here, the European Commission and the Council should take a central role in ensuring that policies prioritize human security and protect migrants' rights at all stages: pre-departure, transit, entry, stay, and return.

Address root causes and expand legal pathways.

Long-term solutions depend on tackling the drivers of displacement. This includes conflict prevention, protection of human rights, poverty reduction, and climate adaptation in countries of origin. At the same time, the EU should diversify safe and regular pathways to resettlement, humanitarian visas, and labor mobility programs. Such initiatives require the reinforcement of joint efforts by member states, EU agencies, and international organizations, coordinated under the Commission's guidance, to reduce reliance on irregular routes and weaken the role of smugglers.

Ensure accountability and rights-based externalization.

Externalization must remain consistent with the EU Charter of Fundamental Rights, the European Convention on Human Rights, and the Geneva Convention. Arrangements such as the Italy–Albania Protocol highlight the risks of operating in areas of legal uncertainty. Oversight by the European Commission, the European Parliament, and national courts should therefore be reinforced through effective monitoring mechanisms, transparency standards, and accessible legal remedies.

Foster dynamic cooperation and counter-narratives.

Lasting change requires cultural as well as institutional reform. Breaking the crisis narrative involves strengthening the visibility of refugee testimonies, participatory research, and migrant-produced narratives. At the same time, civil society, academia, the media, and EU institutions should promote communication that explains

structural drivers, avoids stigmatizing terminology, and resists sensationalism. Transparent and disaggregated data collection by EU institutions is essential to sustain an informed and balanced public debate.

These measures highlight that progress depends on coordinated action by institutional actors: isolated practices of externalization, such as the Italy–Albania arrangement, risk standing as cautionary tales rather than viable models. Real change will require EU institutions, member states, and civil society to act jointly on accountability, solidarity, and narrative change, if migration governance is to remain consistent with the Union's foundational values.

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