

Young Generation Policy Brief

Meloni's Albania Model

New Strategy or Minefield?

By Katrin Kehn

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Executive Summary

With Giorgia Meloni's Albania model, the asylum procedure is to be outsourced to a non-EU country for the first time. So far, all three attempts have failed because of the Italian judiciary. Now a judgement by the ECJ is pending. Three options open up for the Meloni government: to close the camp due to the rule of law deficiencies (option 1), to wait until the EU has ruled on the legal hurdles of an asylum procedure in Albania (option 2), or to revisit the measures to ensure the rule of law and human rights (option 3). The paper argues that option 3 should be preferred in the interest of the EU and its member states in order to get irregular migration flows under control and to strengthen the rule of law approach in migration policy.

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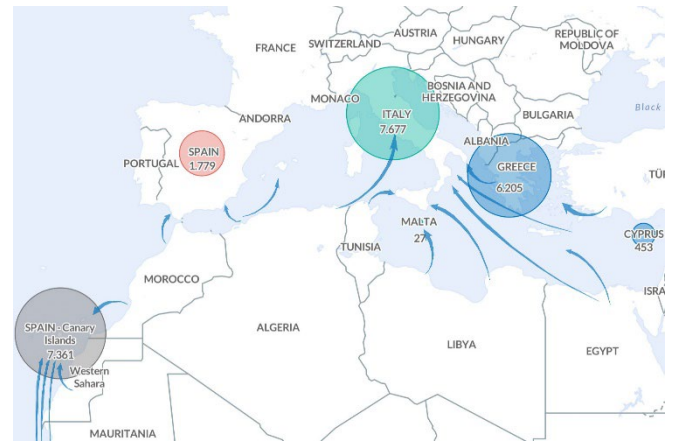
THE ALBANIA MODEL AND THE VALUE DIMENSION

Giorgia Meloni's Albania model raises questions about the balance between the national rule of law and the fundamental requirements for compliance with European human rights obligations in non-EU countries. The rule of law principle within Italy is upheld by independent courts and legally regulated procedures. The planned externalisation of asylum procedures to a non-EU country will put the guarantee of compliance with human rights standards to the test. In its public statement in January 2024,¹ Amnesty International came to the conclusion that the implementation of the memorandum agreement between Italy and Albania in November 2023 will most likely not achieve the intended goal of deterrence and thus reducing the number of arrivals.²

The Albania model is hardly comparable with other agreements between EU states and other non-EU countries. This is the first time that an asylum procedure has been outsourced to a non-EU country – under the responsibility of an EU member state. The proposed option could invalidate the arguments of human rights organisations.

INITIAL SITUATION

By adopting the new migration pact in spring 2024, Europe has set out to better control and stem the flow of migrants. Italy is playing a driving role in this and is an important actor in externalisation. This can certainly be linked to the fact that it is one of the countries particularly affected by the movement of refugees from Africa to Europe. This makes Italy one of the most important initial reception countries for so-called irregular migrants who come to Europe via the Mediterranean route.³



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The high number of new arrivals is putting the reception centre on the island of Lampedusa under constant pressure. The conditions in the camp are often criticised despite support from the UNHCR. The number of boat refugees arriving in Italy has risen steadily over the years. In 2023, the highest figure since 2016 was reached with over 157,000 people stranded on Italy's coast. This trend was reversed for the first time in 2024. Refugee routes shift every year, depending on the situation and risk.⁵

In recent years, more and more applications for international protection have been submitted in Italy. In 2023, 12 per cent of asylum applications in the EU were submitted to Italy. This puts Italy in fourth place behind Germany, France and Spain with a total of 136,000 applications (compared to Germany: 334,000 applications).⁶ The Italian authorities are now increasingly involved in administrative tasks relating to the expanding asylum system in addition to sea rescue in international waters.

GEORGIA MELONI AND MIGRATION POLICY

Giorgia Meloni was the winner of the elections in October 2022. She currently governs the country together with the

¹ Amnesty International. 2024. "The Italy-Albania Agreement on Migration: Pushing Boundaries, Threatening Rights." Public Statement EUR 30/7587/2024. January 19.

² Amnesty International. 2024. "Italien: Parlament sollte umstrittenes 'Memorandum of Understanding' mit Albanien ablehnen." January 22. <https://www.amnesty.de/aktuell/italien-albanien-abkommen-gefluechtete-schutzsuchende-haftzentren>.

³ Barana, Luca. 2024. "Italien und die Migration. Der Weg der Externalisierung." Aus Politik und Zeitgeschichte 74(40–41): 26–31.

⁴ Graphic source: UNHCR Operational Data Portal. Accessed March 20, 2025. <https://data.unhcr.org/>.

⁵ UNO-Flüchtlingshilfe. 2024. "Italien steht weiterhin vor großen Herausforderungen." July. <https://www.uno-fluechtlingshilfe.de/hilfe-weltweit/italien>.

⁶ Barana 2024

right-wing populist Lega and Forza Italia. As leader of the 'post-fascist' Fratelli d'Italia party, she scored points above all with her nationalist tones on migration and refugee policy. In doing so, she is following a migration policy tradition. Since the refugee crisis in 2015, it has been the right-wing populist parties in particular that have strongly politicised the issue of migration. Combating irregular migration, preventing illegal crossings across the Mediterranean and the defence of national and European borders are also among the migration policy goals of the Fratelli d'Italia. According to Meloni's election programme, illegal immigration poses a threat to the security and quality of life of citizens. She emphasises that defending the borders also means defending Italy.⁷ She promised her voters to limit the negative consequences of immigration by reducing the arrivals of boat people in Italy and thus irregular migration.⁸

From the outset, Meloni has therefore favoured a policy of deterrence towards migrants. She pursues a tough refugee defence policy by harassing NGOs involved in sea rescue in the Mediterranean. Remarkably, she has recently been describing immigration across the Mediterranean primarily as a European problem. She speaks of a problem that Italy shares with the other southern European countries.⁹

At the European Council in February 2023, Meloni spoke of the need to regulate the issue of immigration before entry into Europe to combat human trafficking and curb illegal immigration. However, she emphasised that this ultimately requires increased cooperation with the countries of origin and transit.¹⁰

THE ALBANIA MODEL

In November 2023, Prime Minister Giorgia Meloni and Albanian Prime Minister Edi Rama signed a cooperation agreement in migration. Migrants from North Africa, who are intercepted by Italian ships in international waters and come from countries of origin classified as safe, are brought to Albania. The Shengjin reception centre, called after a little Albanian town on the Adriatic Sea, carries out a screening and registration process as well as medical examinations. In the camp Gjadër (seven kilometres away), which has space for 3,000 people, the asylum applications are then examined and processed. Women, children and particularly vulnerable people are exempt from this regulation. These groups will be taken directly to Italy. The Albanian president is obviously hoping for accelerated EU accession.¹¹

Italian authorities are responsible for reception, registration, examination of asylum applications and repatriation. Asylum applications are processed in accordance with applicable Italian law and EU asylum law. The camps are operated and financed by Italy. The facilities are under the responsibility of the competent Italian authorities and therefore exclusively under Italian jurisdiction. Asylum seekers who are granted protection are returned to Italy at the end of the asylum procedure. Rejected asylum seekers are deported from Gjadër.¹² The costs for this amount to around € 650 million for the next 5 years.¹³

Meloni's aim is to outsource asylum procedures from Italy, to make the process more effective and thus simplify and speed up deportations. Her policy of deterrence is intended to prevent so-called irregular migrants and refugees from reaching Italian territory.¹⁴

In October 2023, EU Commission President Ursula von der Leyen set out the most important goals for future EU

⁷ Cubbe, Giovanni de Ghantuz. 2023. "Giorgia Meloni und die italienische Migrationspolitik." MIDEM-Policy Brief 2023-2.

⁸ Welt. 2024. "Fertigstellung italienischer Flüchtlingslager in Albanien verzögern sich." April 16. <https://www.welt.de/politik/ausland/article251044640/Giorgia-Meloni-Italienische-Fluechtlingslager-in-Albanien-verzoegern-sich.html>.

⁹ Braun, Michal, Luca Argenta. 2024. "Die Regierung Italiens unter Giorgia Meloni. Eine Zwischenbilanz." Friedrich-Ebert-Stiftung. October.

¹⁰ Cubbe 2023

¹¹ Kunze, Thomas, Christopher Heß. 2024. "Italienisches Flüchtlingsaufnahmeflager in Albanien." Konrad-Adenauer-Stiftung, Länderbericht Albanien, May 2024.

¹² Mediendienst Integration. n.d. "Europäische Asylpolitik und Grenzschutz." Accessed February 10, 2025. <https://mediendienst-integration.de/migration/flucht-asyl/eu-asylpolitik.html>.

¹³ ICR Deutschland. 2024. "Wie sieht das Asylabkommen zwischen Italien und Albanien aus?" October 11. <https://www.rescue.org/de/artikel/asylabkommen-italien-albanien>.

¹⁴ Barana 2024

migration policy. These included the examination of deportation facilities in third countries. Shortly before the European elections, she informed the member states that she was in favour of the concept of return centres for migrants outside the EU. In May 2024, she recommended that member states build on models such as the Albania model. Another letter states that the Commission will examine an approach to outsourcing asylum procedures to safe third countries in coordination with the UN Refugee Agency and the International Maritime Organisation (IMO).¹⁵

Since October 2024, Italy has made three attempts to accept migrants outside its national borders. The first two attempts in October and November 2024 failed due to the Italian judiciary. According to the judges, the migrants did not come from safe countries of origin to which they could be sent back.¹⁶ The third attempt in January 2025 also failed. All the detained men were returned to Italy. The European Court of Justice (ECJ) intends to announce a landmark judgement on the actions of the Italian authorities in February.¹⁷

INTERNATIONAL REACTIONS

Critical voices are coming from humanitarian organisations, human rights activists and politicians. Flaminia Delle Cese, legal advisor to the IRC (International Rescue Committee), fears that large groups of people in need will be detained for long periods of time without having access to specialised assistance or being able to exercise their rights.¹⁸ Amnesty International calls it inhumane and contrary to international

law that people who are rescued from distress at sea by Italian ships are taken to Albanian detention centres.¹⁹

Opposition politicians in Rome describe the project as an Italian Guantánamo, while at the same time politicians in Albania accuse social democratic Prime Minister Edi Rama of a lack of transparency.²⁰ Albanian opposition politician Belind Kellici criticises the agreement for having been concluded without parliamentary discussion, analysis or public transparency.²¹

All the abovementioned accusations relate to the violation of the rule of law and the human rights of those seeking protection.

ROLE OF THE RULE OF LAW AND EU VALUES

The actions of the Italian government in connection to the Albania model shall now be discussed with regard to the values which are at stake. The values of the EU are legally enshrined in Article 2 TEU.

"The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail."²²

In addition, Article 19 TEU obliges the Member States to ensure effective legal protection.²³ The rule of law is a fundamental value of the EU.

¹⁵ Nielsen, Magnus L., Théo Bourgerie-Gonse. 2024.

"Migrationspolitik: Von der Leyen setzt sich für Rückführungszentren ein." Euractiv, October 15. <https://www.euractiv.de/section/innenpolitik/news/migrationspolitik-von-der-leyen-setzt-sich-fuer-rueckfuehrungszentren-ein/>.

¹⁶ Basler Zeitung. 2024. "Neue Niederlage für Meloni: Flüchtlinge dürfen nach Italien." November 11. <https://www.bazonline.ch/neue-niederlage-fuer-meloni-fluechtlinge-duerfen-nach-italien-697050888202>.

¹⁷ Rheinische Post. 2025. "Dritter Anlauf. Italienische Justiz stoppt 'Albanien-Modell' wieder." January 31. <https://rp-online.de/politik/ausland/rom-italienische-justiz-stoppt-albanien-modell-wieder-aid-123680501>.

¹⁸ ICR Deutschland. 2024. "Migrationsabkommen zwischen Italien und Albanien: IRC warnt vor schwerwiegenden Risiken für

Menschen auf der Flucht." Press release, July 25.

<https://www.rescue.org/de/pressemitteilung/migrationsabkommen-zwischen-italien-albanien-risiken-menschen-flucht>.

¹⁹ Amnesty International 2024

²⁰ FOCUS online. 2024. "Italienisches Guantánamo? Neuer Asyl-Plan sorgt für Kritik – und Neugier." August 3. https://www.focus.de/politik/ausland/abwicklung-in-albanien-italienisches-guantanamo-neuer-asyl-plan-sorgt-fuer-kritik-und-neugier_id_260194143.html.

²¹ Tagesschau. 2023. "Kritik an Migrations-Deal mit Italien." November 7. <https://www.tagesschau.de/ausland/europa/italien-albanien-aufnahmezentren-migranten-100.html>.

²² Treaty on European Union, Article 2.

²³ Treaty on European Union, Article 19.

“the rule of law’ refers to the Union value enshrined in Article 2 TEU. It includes the principles of legality implying a transparent, accountable, democratic and pluralistic law-making process; legal certainty; prohibition of arbitrariness of the executive powers; effective judicial protection, including access to justice, by independent and impartial courts, also as regards fundamental rights; separation of powers; and non-discrimination and equality before the law. The rule of law shall be understood having regard to the other Union values and principles enshrined in Article 2 TEU”²⁴

According to the accusations of human rights organisations and numerous politicians, precisely these principles enshrined in Article 19 TEU are not guaranteed in the camp in Albania. This means that the values of the Union, the common basic attitudes of all Member States, cannot be guaranteed for the people accommodated there.

In the case of the Albania model, there is a fundamental problem. Italy formally has control over the asylum procedures, but the camp is located in a non-EU country. Albania is not subject to the same legal obligations as the EU member states. For this reason, additional rule of law safeguards must be introduced in order to ensure that conditions in the camp actually comply with human rights.

A further problem is the different handling of the question of safe countries of origin. An EU member state may not deport an asylum seeker to an unsafe country of origin. This obligation is enshrined in the so-called non-refoulement principle, which is enshrined in several international and European legal sources. These include the Geneva Refugee Convention (GRC) – Art. 33 (1), the European Convention on Human Rights (ECHR) – Art. 3 and the Charter of Fundamental Rights of the European Union (CFR) – Art. 19 (2).

The central regulation can be found in the EU's Asylum Procedures Directive (Directive 2013/32/EU, also known as the “Procedures Directive”). Article 36 of this directive gives member states the option of defining countries as safe countries of origin.²⁵

POSSIBLE OPTIONS FOR ACTION

We now turn to potential steps the Italian government could take after the dragging realization of the Albanian model. The options unfold against the assumption that each EU member state can set its own criteria. The country of origin must comply with EU law and international human rights standards. In Italy, the Ministry of the Interior decides on the list of safe countries of origin in cooperation with the parliament. There is therefore no standardised, binding EU list, only national regulations, which may differ from country to country. These different regulations lead to discussions and, in some cases, heated controversy.

Option 1: Italy could dissolve the camps – withdrawal of the model due to rule of law deficiencies

Meloni's Albania model has failed for the time being. An important aim of reducing the number of refugees arriving in Italy may be successful in the short term. But in the long term, it is very unlikely that the numbers will decrease. The escape routes change due to the different situations. The smugglers adapt to this. The causes of the refugee problem have not been solved either. On the contrary, irregular migration is expected to increase in the future due to increasing climate crises, resulting economic problems, famine, unemployment and misery. It is not to be expected that the international centres of conflict and wars – even under the global power America with Trump or precisely because of Trump – will improve fundamentally.

Withdrawing the model would send a clear signal that Italy is taking its obligation to uphold the rule of law and human rights seriously.

Option 2: Italy could continue to insist and wait until the asylum procedure in Albania has overcome all judicial hurdles

The EU is also interested in externalising the asylum procedure. It will certainly work actively to ensure that the criteria can be met in the procedure in the third country Albania. However, the EU's response is too slow and inflexible due to the excessive bureaucracy. Therefore, it could take a long time and the costs of maintaining the camp in Albania

²⁴ Regulation (EU, Euratom) 2020/2092 of the European Parliament and of the Council of 16 December 2020 on a general regime of conditionality for the protection of the Union budget, Article 2.

²⁵ Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast).

would be almost impossible to manage, especially as Italy cannot process any asylum applications.

Option 3: Italy could take measures to ensure the rule of law and human rights

The Albanian model requires reform with human rights safeguards combined with external transparency. Factors such as transparency, fair asylum procedures, protection of fundamental rights and equal treatment play a decisive role in ensuring compliance with the rule of law and values such as human rights (Art. 19 TEU).

The following recommendations could be made here:

- Ensuring transparency (e.g. through accountability):
Mandatory documentation and standardised procedures would make the decision-making processes more transparent and also ensure swift and effective processing. The legal status of asylum seekers should also be clarified at this point. Italy's cooperation with the European Court of Human Rights (ECHR) and access to the press would also create transparency.
- Ensuring fair asylum procedures:
Access to and the expansion of qualified legal advice, independent lawyers and legal remedies could ensure that asylum seekers are treated under the same legal standards as in Italy. The creation of an appeals system and the expansion of legal options provide asylum seekers with effective legal remedies to appeal against rejections of their asylum decision. This means that the legality of the procedure can be reviewed.
- Protecting fundamental rights and the Equal Treatment Act:
Living conditions in the camps should be ensured by guaranteeing minimum standards for accommodation, healthcare and food. Furthermore, protective measures against mistreatment and the provision of psychosocial support for those seeking protection are a guarantee of compliance with human rights. Independent audits by human rights organisations such as the ICR, UNHCR, AI and others

provide further security and also ensure transparency through publicity.

Above all, it is also important not to misuse the camp as a detention centre. It is therefore important to avoid systematic detention, as asylum seekers or refugees must not be confused with prisoners and thus equated with the normal detention conditions for prison inmates. Alternatives such as controlled accommodation with the possibility of an exit should be ensured. Under certain circumstances, such accommodation may be conceivable, combined with the condition of losing the legal right to apply for asylum if certain requirements are not met.

Further sensible measures from the EU side could make an important contribution:

The EU could include the Italian camp in the EU's annual accountability report. This would make it possible to monitor conditions. Furthermore, the EU could use the infringement procedure to check whether violations of EU law have been confirmed and initiate proceedings.²⁶

The EU could provide funds, both financial and technical, to support the storage and processing of asylum applications and make compliance with certain standards a condition. By setting up a so-called task force at EU level, the EU could also check compliance with standards and regulations in partner countries with which an agreement has been concluded. However, the primary goal should be to support the swifter and more effective processing of asylum applications by the EU and to achieve harmonisation of safe countries of origin through a uniform definition to make returns legally secure.

Ultimately, however, the question arises as to the categorisation of "safe countries of origin".

It is urgently necessary to find a clear, standardised regulation on which countries are now safe countries of origin. This requires coordination and consensus with the EU member states. Urgent action is required here, as the question of whether the country of origin is now safe has so far determined the judgements of the Italian courts in the case of the Albania model.

²⁶ Skóra, Maria. n.d. "Rechtsstaatlichkeit in der EU besser schützen. Analyse & Handlungsempfehlungen." Friedrich-Ebert-

Stiftung. Accessed February 10, 2025. <https://library.fes.de/pdf-files/bueros/bruessel/20567.pdf>.

RECOMMENDATION

The discussion of all three options has shown that only option 3 bears a potential to uphold EU rule of law and keep an active approach in dealing with irregular migration in the Mediterranean. For this, prime minister Meloni has to strictly adhere to legal procedures in Italy but should also aim at processing asylum applications more efficiently, thereby relieving the burden on Lampedusa. The criteria discussed in the previous section must be fulfilled when operating the camp.

The issue of compliance with the rule of law and human rights can be resolved gradually by means of the proposed recommendations. Coordination within the EU regarding the "safe countries of origin" can be expected in the near future. It is in the interests of the EU and all member states to bring the flow of refugees under control. On the one hand to protect the Schengen area and on the other hand to prevent disputes and confrontation within the member states. Italy is not only a country of first arrival, but also a transit country. Italy alone cannot shoulder the mass of arriving refugees – as Lampedusa has shown – and will certainly not be able to prevent those arriving from travelling on to their destination and country of choice. Processing asylum applications in Albania would also relieve the pressure on Lampedusa. This could accommodate the human rights organisations.

CONCLUSION

Anyone who wants to prevent populist or even radical right-wing parties from gaining more and more influence in European countries must be interested in finding a viable solution for controlling the flow of irregular migration. If this control is not successful at Europe's external borders, there is a risk that member states will increasingly carry out independent border controls at their national borders. This would jeopardise the important achievement of the free movement guaranteed by the Schengen Agreement and ultimately hinder the development of a European community. This, in turn, could lead to the destabilisation of the EU as a whole.

As far as Italy's course is concerned, it has two dimensions. On the one hand, the Italian government under Meloni has given the EU further impetus in migration policy with its course,

especially with the Albania model, and has pushed the EU towards externalisation. On the other hand, Italy's migration policy measures are in line with the dubious tradition of a restrictive immigration policy aimed at national compartmentalisation. This is viewed critically internationally, as it challenges human rights standards and burdens the discourse on European solidarity in dealing with people seeking protection. However, in terms of foreign and European policy, Italy's post-fascist government has so far proven to be a reliable partner in the EU and NATO.

The implementation of the new migration and asylum package adopted in spring 2024 will also play a decisive role. The migration pact mainly concerns the internal dimension. Above all, it is about the solidarity-based and fair distribution of refugees in the EU member states. Only partial or delayed implementation of the new regulations could lead to a loss of confidence among member states in the sustainability of the EU's overall policy. Finding a solution to the overall problem of migration, the causes and roots of which lie deep, is an enormous challenge, among many others.²⁷

The EU must also create further opportunities to control migration, such as cooperation with non-EU countries on an equal footing and expand legal migration channel for example the expansion of the resettlement system and the creation of labour migration channels.

²⁷ Barana 2024

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About the Project

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