

First Return from Tirana and New Forced Transfers: The “Albania Model” Breaks the Bounds of European Law

On May 9, 2025, Italy carried out — outside the public spotlight — the first “externalized” return in its recent history: five Egyptian nationals were taken from the Gjadër Return Detention Centre (Cpr), escorted along the road leading to Tirana, and put on a charter flight that had departed from Rome and continued on to Cairo after its stop in Albania. Contrary to statements of the Interior Ministry — who claimed the forced transfer to Egypt was legitimate because it complied with agreements between Italy and Albania — the operation openly violates EU law and goes beyond the already unlawful provisions laid out in the Protocol. The distance between the detention centre's perimeter and the airport is enough to expose the official narrative of “full Italian jurisdiction” on Albanian soil: the use of coercive force outside the boundaries of the centre clearly takes place on Albanian territory and is entirely devoid of any Italian judicial oversight.

Moreover, it is not unlikely that similar scenarios will recur in the coming weeks. The Gjadër center, in fact, remains full and operational. On June 26, a vessel from the Italian coast guard carrying 15 migrants transferred from Italy, docked at the port of Shëngjin. The transfer took place despite a significant ruling by the Court of Cassation, which submitted a request for a preliminary ruling to the Court of Justice of the European Union in order to assess the compatibility of the 'Albania model' with EU law. The continuation of forced transfers, in defiance of this ruling, reflects a level of political obstinacy that deliberately disregards legal evidence — a troubling indication concerning the state of the rule of law and the government's adherence to the principle of legality.

From the Original Perimeter to Unlimited Expansion

This development marks a further leap forward in the so-called “Albania model.” When, on April 11, 2025, the Gjadër facilities were converted into detention sites for individuals already subject to administrative detention and expulsion orders in Italy, the government and ruling majority described it as a mere logistical extension of Italian detention centers. However, the act of direct repatriation pushes the boundaries well beyond the bilateral agreement: not only are individuals detained outside the Schengen area, but they are repatriated from a third country without passing through any territory under the full jurisdiction of the Union. This entrenches a regime of opacity that makes it impossible to verify compliance with fundamental rights.

The operation violates at least four pillars of the established legal framework. First, Article 13 of the Italian Constitution and Article 6 of the European Convention on Human Rights require that any deprivation of liberty be subject to judicial oversight — such oversight is simply absent at Tirana airport. Second, Directive 2008/115/EC on returns prohibits indirect expulsions that circumvent procedural safeguards; in this case, the return takes place via a third country that applies neither the directive nor the Union's system of legal protections. Third, the principle of non-refoulement — enshrined in the Geneva Convention and in

Article 19 of the Charter of Fundamental Rights — is gravely undermined by the transfer to Egypt, a country where torture, arbitrary detention, and political persecution are documented year after year. Finally, the Schengen framework requires traceability and consistency of practice: taking individuals from an extraterritorial center, loading them into a van, and putting them on an international flight amounts to creating a legal grey area beyond the reach of judges, independent monitoring bodies, and civil society organizations.

The Impact on Human Rights and the Rule of Law

The operation openly aligns with the logic underpinning the Returns Regulation currently under negotiation in Brussels. While it does not replicate the proposed “return hubs” verbatim, it anticipates their strategic trajectory: relocating detention, case assessment, and repatriation procedures to legally opaque zones, beyond the direct responsibility of Member States. Italy thus positions itself as a testing ground for a form of *material law* that precedes and bypasses *formal law*, placing the very legislative method of the Union under strain. Should this practice become consolidated, the European Pact on Migration and Asylum — already distortive in terms of its restrictions on personal liberty and selective border procedures — risks being transformed into a framework stripped of minimum safeguards, and susceptible to radical deterioration during Member States’ implementation, even in contradiction with binding positive law.

The operational procedures deprive repatriated individuals of any form of protection. In Egypt, they face the risk of persecution and inhuman treatment, extensively documented by numerous international organizations. In Europe, by contrast, the obligation to prevent collective expulsions and acts of torture is being undermined.

Moreover, in its recent order for a preliminary ruling to the Court of Justice of the European Union, the Court of Cassation had already questioned, among other aspects, the classification of the Albanian CPRs (Return Detention Centres) as falling under “Italian jurisdiction.” The transfer of the five Egyptian nationals further reinforces the argument of legal incompatibility and opens an institutional conflict that directly involves the European Commission, the Court of Justice, and, by extension, the entire European legal space.

Elements of Opposition and Collective Responsibility

Defending the effectiveness of European law requires a range of initiatives spanning parliamentary action, judicial intervention, and civil mobilization. Regarding the Italian Parliament, it is essential to demand transparency on the chains of command and the legal basis for repatriations via Tirana, and to bring the political and legal debate to that forum.

The revelation of the first direct repatriation from Tirana emerged on the ground during the joint monitoring mission on June 17–18 at the Gjadër CPR, conducted by the Asylum and Immigration Coalition together with MPs from opposition groups, and was the subject of an in-depth investigation by the journal *Altraeconomia*.

The case highlights how crucial it is to maintain continuous oversight: the presence and engagement of independent observers can at least partially dismantle the structural opacity of the “Albania model.”

The repatriation on May 9, 2025, which took place along the road connecting Gjadër to Tirana, showcases the performative effectiveness of the “Albania model”: it is not a point in favor of the current Italian government’s policies, but rather reveals the fragility of the rule of law when legality is subordinated to political contingencies.

If this practice is not promptly halted, the European Union risks ending up with a permanent exceptional regime that has become normalized. The stakes go beyond migration policy: they concern the very possibility of continuing to invoke a common legal order founded on effective, non-negotiable safeguards that are removed from the discretion of those in power.

For this reason, the Albanian case should alarm not only those working on migration issues but anyone concerned with the democratic stability of the European project.

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