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EU Court Ruling Halts Italy's Albania Migration Plan Over Legal Criteria

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A decision from the European Union's top court has dealt a major blow to Italy's effort to process asylum seekers offshore in Albania, finding that the current criteria used by Rome to designate "safe countries" raises legal concerns under EU standards. The ruling forces Italy to revise its legislation before continuing with a central component of Prime Minister Giorgia Meloni's migration policy.

The European Court of Justice (ECJ) concluded that a country can only be declared “safe” if it offers consistent and effective protection to all individuals. Italy currently considers nations like Egypt and Bangladesh safe for returns, despite acknowledging that certain groups within those populations may still require protection. This practice, the court said, is inconsistent with EU law.

The judgment significantly disrupts the framework of Italy's 2023 agreement with Albania, which aimed to transfer migrants intercepted at sea directly to Albanian processing centers. Under that system, those from designated safe countries who were denied asylum could be deported within a week. That process is now on hold pending legislative changes.

Government officials in Rome responded with frustration, arguing that the court had overstepped its authority and interfered with Italy's ability to secure its borders. A government statement warned that the ruling would “weaken the ability of states to defend their borders” and hinder practical responses to migration challenges.

The ECJ also ruled that governments must disclose the evidence and sources used in determining a country's safety designation, permitting challenges to those classifications under court review. According to the court, transparency is essential to ensure that decisions can be independently assessed.

While the ruling does not oppose the concept of fast-tracking asylum applications from safe countries, it clarified that such procedures must align with EU legal requirements. “The ‘safe country of origin’ concept can no longer be used to carry out transfers to Albania until Italian law is changed,” said Adriana Tidona, a migration researcher with Amnesty International. Tidona also criticized the plan's reliance on automatic detention, which critics argue may breach EU procedures.

The decision has broader implications for other European nations, including the United Kingdom, that are exploring offshore asylum processing to deter irregular migration. Italy's Albania initiative had drawn attention as a possible model for stricter border policies.

Legal issues have hampered the project from the beginning. Although processing centers were built and a small number of migrants were briefly sent to Albania, all were returned to Italy after legal interventions. The facilities remain unused and have gone significantly over budget.

Daniele Gallo, a professor of EU law at Luiss University in Rome, noted that the ruling shifts authority from governments to the judiciary. “Every judge in Italy now has a duty to set aside Italian legislation and apply EU law,” he said, underscoring the binding nature of the court’s decision.

It is still unclear how the ruling will affect the EU’s new migration pact, set to take effect next year. The pact includes a shared list of safe countries for returns—but the ECJ has reinforced that final determinations must comply with judicial standards rather than political declarations.

Despite this setback, the Meloni government has signaled its intent to continue pursuing firm immigration controls. However, the future of its offshore processing strategy remains uncertain.