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BILATERAL AGREEMENTS ON MIGRATION MANAGEMENT: THE ITALY-ALBANIA CASE AND THE CHALLENGES OF MIGRANT PROTECTION IN EU AND ECTHR JURISPRUDENCE

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ABSTRACT

The international agreement between Italy and Albania to strengthen cooperation in the field of migration between the two countries was ratified by the Albanian Parliament in 2023, as well as by the Italian Parliament in both its chambers. Under the agreement to strengthen cooperation in the field of migration, Italy will send migrants it rescues in the Mediterranean Sea to Albania. The implementation of this agreement encountered difficulties in both countries, firstly by the decision of the Albanian Constitutional Court and then by the decisions of the Italian court in Rome. This paper aims to analyze the Albanian national jurisprudence, the Italian jurisprudence, and the jurisprudence of the ECHR regarding the status of the rights of migrants. Although a year has passed since the ratification of the agreement, the problems created have not allowed the placement of migrants in these centers. The international agreement internally defines the entire procedure for the placement of migrants and the rights they have in these centers. But in our view, this agreement clearly shows a form of restriction of the fundamental rights of migrants. The principle of non-refoulement of migrants under international law and the protection of life prevail over state policies of internal or external development.

KEYWORDS: International Agreement, Migrant's Rights, Protection Of Human Rights.

1. INTRODUCTION

The subject of this scientific paper will be the Agreement between Albania and Italy on migration management, signed on November 6, 2023, and ratified by the Albanian Parliament on February 22, 2024. The focus of this paper will be the nature of this bilateral international agreement and the conflicts arising as a result of the implementation of the agreement. The Albania-Italy Agreement on migration management aims to address the migratory flows in the Mediterranean Sea that wash the coast of the Italian state, offering a model of cooperation between the two states. The agreement defines in detail the manner of housing incoming migrants, the method of financing, asylum procedures, security, and jurisdiction that applies in those areas. The obligations arising from the implementation of the agreement for both participating states have created discussions and concerns regarding the human rights of migrants and their protection, as well as international and national jurisdiction.

According to the agreement, Italy built two reception centers in Albania, one in the port of Shëngjin and another in the Gjadri area, with a capacity to accommodate up to 36,000 migrants per year. Each center can accommodate up to 3,000 people at the same time. To build these migrant shelters, Italy will deposit 16.5 million euros in a special account of the Albanian Treasury as an advance for the shelter of migrants. This protocol has a term of five years, with the possibility of renewal for another five years. Asylum requests will be examined in Albania in the shelter centers by Italian authorities. Migrants whose applications are accepted will be transferred to Italy, while those who are rejected will be repatriated to their countries of origin. The centers will be subject to Italian jurisdiction for any activity that occurs there, while external security will be ensured by Albanian forces under the jurisdiction of the Albanian state. The Albanian Parliament, for the implementation of this agreement, approved the law ratifying the agreement based on the Constitution of the Republic of Albania, following the correct legal procedure for the entry into force of the international agreement (Liçaj 2017).

The agreement between Albania and Italy on migration management created numerous discussions at the moment it was to be implemented, where civil society actors, human rights experts, and other interest groups requested that this agreement not be implemented due to the violation of several principles of international law and the failure to guarantee the rights of migrants. Researchers and

lawyers today regarding this issue are divided into two groups: one in favor of implementing the agreement and the other against. Despite the discussions and positions against the agreement, it began to be implemented in April 2025.

The review of the literature of international experts and researchers, such as Andreina De Leo, Eleonora Celoria, Andrea De Petris, Lieneke Slingenbergh, Francesco Ragazzi, Anna Triandafyllidou, Mireille Delmas-Marty, Inga Agatha Broerse, and the positions of the Albanian Helsinki Committee, will evidence different positions from those evidenced by the Albanian Constitutional Court, from the opinions of the Albanian and Italian governments. During the work, the reports of international organizations in defense of the rights of migrants, as well as the decisions of the Court of Justice of the European Union and the European Court of Human Rights, will also be analyzed.

2. IMPLEMENTATION OF THE AGREEMENT BY THE ALBANIAN GOVERNMENT AND OPPOSITION FROM INTEREST GROUPS - LEGAL ANALYSIS

The Albanian government that signed this agreement is formed by the parliamentary majority that belongs to the same political party, the Socialist Party of the Republic of Albania. The approval in parliament of the project for the implementation of the agreement between Albania and Italy was approved with the votes of the majority and not with the votes of the political opposition. Based on this, we can say that the decision for such an agreement is a government decision that responds to the policy of the government in power in the year when the Socialist Party of the Republic of Albania is leading the country. The Foreign Policy Committee in the Albanian Parliament on 11.12.2023 submitted the Report On The Draft Law "For The Parliamentary Document On The Ratification of The Protocol, Between The Council of Ministers of The Republic of Albania And The Government of The Italian Republic, On Strengthening Cooperation In The Field of Migration", determining within the report that the protocol for the Albanian side, as a primary, essential and final goal, had the strengthening of the relationship and cooperation between the Council of Ministers of the Republic of Albania and the government of the Italian Republic, as a relationship of great importance for Albania, towards membership in the European Union.

This is seen from the perspective of the Albanian government as an opportunity to join the EU, when

the EU itself does not have such a practice of such agreements for the treatment of migrants. This agreement is unique in its kind. (A.Triandafyllidou, 2024) The Albanian government emphasizes that the relationship between the two governments is intended to intensify in the field of managing irregular migratory flows, as a phenomenon present in the region for a long time, which is also related to the direct objective of the protocol, that of creating a cooperative framework for the establishment of a reception center for irregular migrants on Albanian territory, by the Italian side, entirely at the expense of the Italian government. In this sense, the Albanian government has stated that its commitment to curbing and controlling the phenomenon in question constitutes not only a distancing from the old image of Albania as the origin of illegal immigration, but also makes it possible to effectively discourage this phenomenon in the region, indirectly encouraging individuals towards regular forms of movement, in accordance with the legislation of the respective countries, European and international.

Through this protocol initiated and requested by the Italian side, the Council of Ministers of the Republic of Albania undertakes to place in temporary use an area of state property for the government of the Italian Republic to be used by the latter for the construction of structures, which are intercepted in their attempt to reach Italy. The areas in question are and remain part of the territory of the Republic of Albania, being given only in temporary use to the Italian authorities as mentioned in articles 3 and 13 of the protocol. To parallel this grant of territory, the commission in the report indicates that such agreements, through which the party states recognize the right of other bodies to exercise certain powers in their territory, in accordance with the goals and objectives of the agreements, as the case may be, are encountered in legal and administrative practice, it is enough to mention here the statutory agreement between the Republic of Albania and the European Union, on the actions undertaken by the European Border and Coast Guard Agency in the Republic of Albania, ratified by the Parliament of the Republic of Albania with Law No. 6/2019. Based on this agreement, the Agency may acquire executive powers in the territory of the Republic of Albania, within the framework of the development of various actions and operations to deal with illegal immigration and cross-border crimes. The Albanian party retains the right to renew or not the protocol at the end of its five-year term, as well as to terminate/denounce it, in accordance with what is expressly provided for in its text, as mentioned in

Article 13.

As for the rights and obligations that the parties have towards each other, this protocol clearly stipulates that all expenses for the implementation of this undertaking belong to the Italian party, which will also have to pay any costs that come to the Albanian party, as a result of this protocol regarding the hypothetical social risk related to the stay in Albanian territory of foreign migrants, the protocol foresees the obligation of the Italian party to accommodate these migrants at its own expense, only within the structures erected on the surface in question, as well as to take care and guarantee that they will remain within these structures. Furthermore, the protocol clearly stipulates that the number of migrants that can be accommodated at the same time in Albanian territory is limited and cannot exceed 3 thousand people, the methods of interaction between the respective authorities of the parties are foreseen, in case of unauthorized exit of migrants, with the aim of reuniting them with the structures established and administered by the Italian party. In any case, if hypothetically the obligations are not respected by the Italian party, the Albanian party has the right to denounce and terminate the protocol unilaterally, in accordance with what is foreseen in Article 13 of the protocol.

The Council of Ministers of the Republic of Albania, through this protocol, by contributing to the management of emigration to Italy, helps the Italian state but also the EU at large, to face a problem that has become increasingly sensitive over the last decades. Thus, turning Albania into a host country for foreign migrants and becoming a basis for regulating the relations of other countries to the detriment of the Albanian state and the rights of migrants.

Although the Albanian government will reconfirm its position as an ally of the EU and as a concrete contributor to the social stability of the EU through this undertaking, this is not the right way. The aspiration that drives and supports this commitment of the Council of Ministers, in my opinion, is not that of the European integration of the country, but of the use of Albanian territories in favor of other states by creating social problems with Albanian citizens residing in the territory of Albania. The High Commissioner for Human Rights of the Council of Europe, Dunja Mijatović, has expressed concerns regarding the possible impact of the agreement on the rights of refugees and asylum seekers, comparing it to similar practices that have raised international concern.

The Albanian Helsinki Committee has raised

objections regarding the implementation of the agreement by submitting an open letter to the Albanian government. The AHC requests that the protocol be reviewed because the protocol violates a series of rights of migrants, and not only that. The AHC's objections include:

The period of stay of migrants in Albania may create problems. The protocol provides that the period of stay of migrants in Albania may not exceed the maximum period allowed by Italian legislation. However, the AHC notes that there are no legal provisions that determine the consequences of violating this period, given the long duration of the examination of asylum applications in Italy, from 6 months to 1 year. This may lead to an unjust restriction of freedom of movement for asylum seekers, violating the international principle of "non-refoulement" of asylum seekers.

Compatibility with international and EU law: AHC points out that the protocol conflicts with the Treaty on the Functioning of the European Union (Article 78) and the European Charter of Fundamental Rights (Articles 18 and 19). If the agreement provides for the transfer of some asylum procedures to Albania, this could pose a problem for compatibility with European Union law. One of the key principles of the EU is the freedom of movement and the rights of asylum seekers. According to Article 78 of the Treaty on the Functioning of the European Union, the EU must provide a common and coordinated system for the protection of refugees and asylum seekers. If Albania acts as a transit country for asylum seekers located in Italy, this could create challenges for the integration of this system with EU rules and could undermine European standards of refugee protection. For example, the EU Asylum Procedures Directive requires each country to ensure a fair and swift examination of asylum applications. If the process is passed through Albania, delays may occur, and the rights of asylum seekers may be harmed.

Another aspect is compliance with the Albanian constitution and Albanian law, including human rights legislation. Albania is a member of the Council of Europe and has signed and ratified international conventions protecting human rights, including the rights of asylum seekers. Therefore, any agreement that creates procedures that could restrict the freedoms of migrants or that could risk the inappropriate treatment of asylum seekers would have to comply with these international commitments.

The lack of transparency and the failure to consult the public and relevant human rights organisations

are also major concerns. Albania has an obligation to follow standards of good governance and to ensure that any agreement signed is in line with democratic principles and human rights. Consultations with relevant civil society actors and the public are necessary to ensure that any such agreement is in line with the rights and interests of citizens and migrants.

The Albanian Helsinki Committee, in its position, has emphasized that the agreement undermines the human rights system and may lead to violations of international protection principles. The AHC emphasizes that it is essential for Albania to respect international commitments to protect refugees and ensure transparency in decision-making processes. The analysis of the migration agreement between Albania and Italy has some worrying legal elements from the perspective of the Albanian Helsinki Committee.

The Albanian Constitutional Court has played an important role in interpreting Albanian law and its compliance with international standards for the protection of the rights of migrants and refugees. An important decision of this court concerns the review of the constitutionality of international agreements and the security they provide for the rights of migrants. The Constitutional Court has emphasized the importance of respecting the principles of international refugee protection, ensuring that every individual seeking asylum has the opportunity to receive a fair examination of his or her claim.

On January 18, 2024, the Constitutional Court considered the request of a group of 30 opposition deputies who requested that the protocol between the two countries be declared unconstitutional with their legal justifications. On January 29, 2024, the Constitutional Court, with a vote of 5 to 4, declared the agreement in accordance with the Constitution and paved the way for its implementation by the two governments. In its decision, the Constitutional Court initially analyzed whether the migration protocol required authorization from the president, since it involves the transfer of territory, as claimed by the opposition and the Ombudsman, or whether it was the right of the Prime Minister to authorize the issuance of full powers to the negotiating group and then sign it. It was assessed that the Migration Protocol did not provide for rules that would have effects on the territorial integrity of the Republic of Albania in favor of the Italian state. It provided for the transfer of use from the Albanian State to the Italian State authorities of two areas, which will be used to receive and accommodate migrants intending to enter Italy. These areas are an integral part of the Albanian territory, and they will continue

to remain so throughout the duration expressly defined in the Protocol and after the end of its implementation.

Consequently, the Court considered that the Migration Protocol does not determine or change the territorial integrity of the Republic of Albania, since, in essence, it does not change or determine its borders, thus preserving intact all the elements of the territory in the physical aspect, as mentioned at paragraph 4, page 18 of the decision.

On the jurisdictional aspect of the territory, the Court states that in the text of the Migration Protocol, there is no provision according to which the Albanian state expressly waives the exercise of jurisdiction over its territory.

On the jurisdiction of Italy and Albania in the receiving areas, it argues that international law does not exclude the exercise of jurisdiction by a state, in this case Italy, as a receiving state of immigrants in an extraterritorial manner. In this sense, the Italian authorities have primary jurisdiction in the two areas of Albanian territory, because the Republic of Italy is the receiving state of illegal immigrants.

It specifically states that the Migration Protocol is a bilateral agreement on the division of tasks between the Albanian and Italian authorities on migrant and asylum seeker issues, which aims to avoid a jurisdictional vacuum and responsibilities for their fundamental rights and freedoms; therefore, the transfer of jurisdiction to the Italian authorities on migrant and asylum seeker issues has been necessary.

The Court reiterates once again the sources of general force in the Republic of Albania, their application in the Albanian legal system and the application of international law in the Republic of Albania on the basis of Article 5 and 116 of the Constitution of the Republic of Albania and considers that the Protocol on Migration does not change the territorial jurisdiction of the Albanian State in relation to the Constitution, the ECHR and ratified international agreements. In other words, the Albanian State continues to exercise its jurisdiction even during the time that the Protocol on Migration will be applicable. Consequently, Albania, based on Article 5 of the Constitution, implementing the international law binding on it, has positive obligations to take all measures to respect the rights of migrants, including asylum seekers, regulated by the Protocol on Migration, including the principle of non-refoulement.

The Court notes that although de facto the areas provided for in the Protocol on Migration will be used by the Italian authorities for the examination

under Italian legislation of asylum applications of migrants intending to enter Italy, this does not relieve the Albanian authorities of their responsibility under the positive obligation vis-à-vis migrants. This responsibility is sanctioned in the Constitution, as well as in the international law binding on the Republic of Albania, including, but not limited to, the ECHR and the Geneva Convention. Referring to the above, according to the Court's decision, the Protocol on Migration does not limit the Albanian state in the exercise of its jurisdiction at the constitutional and convention level.

The Protocol, as an international agreement, after its ratification by law by the Albanian Parliament, will become part of the Albanian normative system and will be positioned in the hierarchy of normative acts under the Constitution and above ordinary laws. Ratification by law gives the importance of the international agreement over the internal laws of the country. Regarding the human rights provisions provided for by the ECHR, the Court considers that the provisions of the Protocol do not bring restrictions on human rights and freedoms, since the minimum standards of the ECHR are applicable. The Italian state is obliged to implement international norms for asylum seekers, refugees, and human rights, including the Geneva Convention and the ECHR, according to the principle of extraterritoriality. Likewise, the existence of the responsibility of the Albanian state for the issues regulated by the Migration Protocol is not in doubt.

The Court considers it unnecessary to obtain an advisory opinion from the ECHR and finds that a dual jurisdiction operates for the fundamental rights and freedoms of migrants regulated by the Migration Protocol, which means that Italian jurisdiction in the two areas in question does not exclude Albanian jurisdiction, so their protection is reinforced.

The Constitutional Court's decision was divided into 5 in favor and 4 against, where the judges who were against were not of the opinion that the agreement was in accordance with the Constitution of the Republic of Albania. This results from their position in the reasoning of the decision, recognizing that this agreement violates some of the principles of international law on the protection of migrants and the restriction of some freedoms that are recognized by international conventions.

3. IN OUR VIEW, EVEN THOUGH GOVERNMENTS IMPLEMENT IT, THE ALBANIAN CONSTITUTIONAL COURT'S DECISION IS IN FAVOR OF IMPLEMENTING THE AGREEMENT.

This agreement violates international human rights standards. The agreement undermines international human rights obligations by handing over asylum procedures to a country with a less robust human rights framework, precisely where the agreement could lead to situations where individuals are returned to countries where they face threats of persecution or harm, violating the principle of non-refoulement (Boerse, 2024).

The rights of migrants are defined in several international and European instruments with the aim of ensuring that every state respects them once it has signed these international instruments.

The United Nations Convention Relating to the Status of Refugees (1951) has set out precise and clear principles for the protection of refugees, including the principle of non-refoulement, which prohibits the return of refugees to countries where they may face persecution.

The Charter of Human Rights of the European Union (2010) includes fundamental human rights, including the rights of migrants as well. The Charter stipulates that every member state of the European Union must respect the rights of refugees and migrants seeking protection in EU member states.

The European Convention on Human Rights (1950), adopted by the Council of Europe, provides protection for individuals facing a risk of ill-treatment. The EU has established a legal framework for migration, which sets out rules for the treatment of asylum seekers and refugees, and for the protection of the rights of migrants within the territories of EU Member States. Directives such as the Asylum Procedures Directive (2013) and the Dublin Regulation ensure that asylum procedures are swift and fair, without excessive delays and without prejudice to the rights of migrants.

According to the provisions of the agreement, all asylum seekers will be held in closed facilities, without the possibility of removal, constituting automatic detention. Detention periods can last up to 18 months on a combination of different legal grounds, potentially violating Article 5 of the ECHR and the Geneva Convention. (Boerse, 2024) In a hypothetical case, it could happen that rejected asylum seekers are returned to unsafe countries without sufficient protection.

4. EUROPEAN AND ITALIAN JURISPRUDENCE

The agreement brought discussion and opposition even in the Italian state, where some parliamentarians demanded that the agreement not

be implemented. So, in parallel with the Albanian state, it is clearly seen that the agreement was desired for implementation by both the Italian and Albanian governments, but the courts or the society for the protection of the rights of migrants, or even interest groups, did not have the same opinion.

The Court of Rome, XVIII Civil Section, examined the request of the Commissioner of the Police of Rome to confirm the measure of detention of a citizen from Bangladesh, who had been transferred to the detention center in Gjader, Albania, within the framework of the Italo-Albanian protocol on immigration, approved by Italian law no. 14/2024 that had entered into force. After assessing the evidence, hearing the migrant, and examining the documents, the court questioned the legality of the decision to detain and transfer him, based on European Union law, which is mandatory for implementation, as Italy is part of the EU. Based on these considerations, the Rome Court, the Civil Section, raised questions about the labelling of Bangladesh as a "safe country of origin", especially when this designation excludes certain categories of persons who may be at risk in that country. The court also found that the way in which this classification was made may not be in accordance with EU law, including the right to a fair and just trial. The Court of Rome has expressed serious doubts as to whether the Italian law, which declared Albania a "safe country of origin", is in line with European Union law, in particular with Directive 2013/32/EU, the EU Charter of Fundamental Rights, and the European Convention on Human Rights. We emphasize that previously, Albania was not in the circle of safe countries, but with the amendment of the law that the Italian Parliament approved in the fall of 2024, Albania was categorized as a safe country. The Court decided to suspend the trial and referred the matter to the Court of Justice of the EU. The issues that were raised for the Court were precisely:

The direct declaration by the legislator of a country as "safe", whether the Italian Parliament was the body responsible for declaring a safe country or not. Does this decision of the legislator conflict with EU law, Articles 36–38 of Directive 2013/32/EU, and Article 47 of the ECHR, the fact that the national parliament declares a third country as safe by law, not through an administrative analysis with verifiable sources?

Another issue is related to the lack of transparency of information sources. Is it contrary to EU law for a country to be declared "safe" without making the sources public, making it impossible for the asylum seeker and the judge to check their reliability and

timeliness?

The issue of the court using sources: Is the judge entitled, when examining an accelerated procedure for safe countries, to use independent information to verify whether a country meets the conditions for being considered safe?

The issue is that the country considered safe does not guarantee safety for a group other than migrants. Does EU law allow a country to be declared "safe" if there are categories of people, such as minorities, LGBTQ+ people, etc., for whom that country is not safe?

The issues raised during the trial will be addressed by the Court of Justice of the EU. But it is clearly evident from these that the Italian judiciary also raises concerns regarding the implementation of migrants' rights with international principles for the protection and guarantee of their rights in the international arena, whether EU or non-EU member states. Given these, the legality of the Italy-Albania agreement raises discussions about:

- Processing of asylum applications outside the EU.
- Declaring Albania as a "safe country" without transparency.
- The inability of asylum seekers to challenge their detention or removal.
- Violation of the right to effective legal protection.

Referring to the protection guaranteed by international and European law on the protection of migrants, the table below hypothetically shows the issues and rights that may be violated by the implementation of the agreement.

The right of migrant	Legal Basis	Potential Violation
Seek asylum	EU Charter Art. 18	Asylum processing not in EU
Non-refoulement	ECHR Art. 3; Refugee Convention	Risk of unsafe returns
Liberty & security	ECHR Art. 5	Detention in isolated facilities
Effective remedy	ECHR Art. 13	Limited access to legal aid in Albania
Dignity & humane treatment	ECHR Art. 3	Risk in detention and deportation process
Family unity, child protection	CRC, EU Law	Not addressed

The European Courts of Human Rights and the Court of Justice of the EU have played a key role in codifying and protecting the rights of migrants and in defining the obligations of states to implement policies to protect and guarantee human rights.

On the complex relationship between extraterritorial asylum procedures, such as those

carried out in Albania under the Italy-Albania Protocol, and EU law De Leo and Celoria (2025) argue that, although there are no clear EU rules on the processing of extraterritorial asylum, there is a functional link with EU law because: The Qualification Directive is directly applicable, despite the lack of territorial restrictions; The possible transfer of protected individuals to the EU; The possible effects on the Common European Asylum System, in particular on the unified asylum procedures, reception standards and the division of responsibility of the Dublin Regulation.

Referring to this, we say that if the processing of the extraterritorial asylum process were not governed by EU law, only international human rights law would apply. This differentiation would be for those who were outside the Italian state, and for those who are inside the Italian state, EU law would apply. This would lead to unfair discrimination between applicants processed in the EU and those detained abroad. The decision of the Court of Justice of the European Union would be expressed and would decide to refuse processing abroad as incompatible with the CEAS and the Dublin Regulation, or to allow asylum processing by third countries if the EU procedural and reception standards are respected. If the decision is to allow processing outside the territory, it must justify that it does not violate the objectives of the CEAS and does not conflict with the Dublin Regulation. The decision to be taken by the CJEU would create a unified practice for all EU member states and non-member states where asylum processing procedures will be processed.

5. CONCLUSIONS

The Italy-Albania Protocol on Migration Management is a unique international agreement to address irregular migration flows in the Mediterranean between European countries. This agreement aims at cooperation between the two friendly nations, Albania, which provides logistical and territorial support, and Italy, which takes on the financial, administrative, and legal responsibility for handling the asylum process. This agreement has raised legal, ethical, and social concerns that are directly related to the implementation and guarantee of fundamental human rights.

The implementation of the agreement, despite its ratification through legitimate legal procedures by the Albanian Parliament and confirmation by the Constitutional Court of Albania, highlights a growing tension between national interests and international legal obligations. The Court's decision

confirms the constitutionality of the agreement.

Critical challenges include the automatic detention of asylum seekers in closed facilities, limited access to legal remedies, and the transfer of asylum procedures to a non-EU country. These concerns are further highlighted by judicial review within the Italian legal system, where national courts have referred key issues to the Court of Justice of the European Union (CJEU), highlighting the potential conflict between domestic legislative acts and binding EU law.

The implementation of such extraterritorial asylum policies risks creating two levels of protection for asylum seekers – those processed within the EU under comprehensive legal protections and those processed outside under diluted standards.

REFERENCES

- Amnesty International. (2024, January 19). The Italy–Albania agreement on migration: Pushing boundaries, threatening rights (Public statement No. EUR 30/7587/2024). <https://www.amnesty.org/en/documents/eur30/7587/2024/>
- Broerse, I. A. (2024). The Italy–Albania agreement: Externalising asylum procedures in violation of human rights (Working paper No. 26). Amsterdam Centre for Migration and Refugee Law. <https://doi.org/10.71881/51abe5cb-92a2-4de9-8395-9323bdc7f75c>
- Charter of Fundamental Rights of the European Union. (2012). Official Journal of the European Union, C 326/391. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12012P%2FTXT>
- Constitutional Court of Albania. (2020). Decision on the request for review of the constitutionality of the agreement. Official Gazette of the Republic of Albania.
- Council of Europe. (1950). European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). https://www.echr.coe.int/documents/convention_eng.pdf
- De Leo, A., & Celoria, E. (2025). The Italy–Albania Protocol: A new model of border shifting within the EU and its compatibility with Union law. *Maastricht Journal of European and Comparative Law*, 31(5), 595–618. <https://doi.org/10.1177/1023263X241309601>
- De Leo, A., & Celoria, E. (2025). The Italy–Albania Protocol: A new model of border-shifting within the EU and its compatibility with Union law. *Maastricht Journal of European and Comparative Law*, 32(1), 1–24. <https://doi.org/10.1177/1023263X241309601>
- European Commission. (2020). The EU's migration policy: Challenges and solutions. <https://ec.europa.eu/>
- European Union. (2010). Charter of Fundamental Rights of the European Union. Official Journal of the European Union.
- European Union. (2013). 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 (Asylum Procedures Directive). Official Journal of the European Union, L 180/60. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32013L0032>
- European Union. (2013). Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection (Dublin III Regulation). Official Journal of the European Union, L 180/31. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32013R0604>
- Giordani, C. (2024). The Italy–Albania agreement on migration: From the fiction of non-entry to functional entry. Hellenic Foundation for European & Foreign Policy (ELIAMEP). <https://www.eliamep.gr>
- Italian Parliament. (2024, January 19). Ratifica ed esecuzione del Protocollo Italia-Albania per il rafforzamento della collaborazione in materia migratoria, nonché norme di coordinamento con l'ordinamento interno (A.C. 1620-A). Official Gazette of the Italian Republic.
- Lindita, L. (2017). The role of the international agreement on law sources in the Republic of Albania. *European Journal of Law and Political Sciences*, (1), 31–35.

In this context, the role of the CJEU becomes essential. Its future interpretation will determine whether such cross-border processing agreements are legally permissible under EU law or whether they undermine the coherence and uniformity of the Common European Asylum System. Until then, the Italy-Albania Protocol serves as a good practice for the future governance of asylum and migration in Europe and beyond.

National sovereignty allows for the negotiation of bilateral agreements; these must remain fully compliant with international and European obligations. Any national, European, or even regional policy that risks sidelining or weakening the protection of fundamental rights for migrants and asylum seekers can never be justified.

- Neidhardt, A. (2024). Navigating the new pact on migration and asylum in the shadow of Non-Europe (EPC Discussion Paper). European Policy Centre. https://www.epc.eu/content/PDF/2024/Non-Europe_migration_policy_DP_v2.pdf
- Parliament of the Republic of Albania. (2019). Law No. 6/2019 on the ratification of the agreement with the European Border and Coast Guard Agency (FRONTEX). Official Gazette of the Republic of Albania.
- Slingenberg, L. (2022). European case law on migrants' social and mobility rights: The need for a comparative approach in assessing "human rights overreach". *Netherlands Quarterly of Human Rights*, 40(2), 87–107. <https://doi.org/10.1177/09240519221106174>
- Treaty on the Functioning of the European Union (TFEU). (2012). Consolidated version of the Treaty on the Functioning of the European Union. Official Journal of the European Union, C 326/47. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12012E%2FTXT>
- Tribunale di Roma. (2024, November 11). Order for preliminary reference to the Court of Justice of the European Union regarding the designation of safe countries of origin and the Italy–Albania Protocol (Case No. 46690/2024, XVIII Civil Section, Judge M. G. Agozzino). <https://www.giustizia.it/>
- United Nations High Commissioner for Refugees (UNHCR). (1951). Convention Relating to the Status of Refugees. <https://www.unhcr.org/1951-refugee-convention.html>
- United Nations. (1951). Convention Relating to the Status of Refugees (Geneva Convention). <https://www.unhcr.org/1951-refugee-convention.html>
- United Nations. (1989). Convention on the Rights of the Child (CRC). <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>