THE 'ALBANIA MODEL' AND THE 'RETURN HUBS': DIFFERENT CONFIGURATIONS OF A COMMON STRATEGY

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On March 10th, the European Commission presented a new proposal for a Return Regulation. After much speculation about its content - in particular whether it would include a reference to so-called 'return hubs' - the proposal finally came out. And yes, return hubs are a central part of it.

In the months leading up to the proposal, the Italy-Albania model was repeatedly brought up as an example of these hubs, after the first groups of people were sent to the centres in Shëngjin and Gjadër to undergo accelerated procedures for the examination of asylum claims. Despite the many criticisms and failures of the Albanian model, the European Commission **has backed** the plan and stressed the importance of finding so-called 'innovative' solutions for migration management. However, when the proposal for the Return Regulation was presented, Commissioner for Internal Affairs and Migration, Magnus Brunner, adamantly repeated that return hubs are nothing like the centres in Albania, because they won't be hubs for externalised processing, but places to send those who already received a return decision. Except that, just two weeks later, the Italian government **approved** a decree-law (now **officially turned into law**) that gave the go-ahead for the transfer to Gjadër of migrants already held in Italian Centres of Permanence for Repatriation (CPR). If the parallels between the Commission proposal and the Albania model were already evident, after the Italian government's latest decision, the two cases seem even more aligned.

What is clear is that both the Italian and the Commission initiatives reflect a joint desire to move towards an increasingly externalised governance of returns. However, since its inception, the Albanian model has shown repeated failures from a legal, moral and human perspective. With the start of negotiations on the Return Regulation in Brussels, it is crucial to critically analyse both models, understand their differences and similarities, and oppose the systematic expansion of a system of inhuman offshore centres.

The 'Albania model': Italian jurisdiction across borders

When we speak of the 'Albania model', we refer to two distinct schemes that share a common logic: the delocalisation of migration control, the strengthening of detention and a systematic compression of fundamental rights. The first scheme, launched in October 2024 after the ratification of the bilateral protocol with Albania, foresaw the transfer by sea of persons intercepted in international waters and coming from countries designated as 'safe'. In this context, the assessment of applications for international protection was to take place in an accelerated manner, according to border procedures, directly in the Gjadër centre, set up by the Italian authorities on Albanian territory but under Italian jurisdiction. This first model quickly entered into crisis: after Italian judicial authorities did not validate, multiple times, the detention of migrants in Albania, the judges referred the correct interpretation of EU law in relation to the countries of origin considered 'safe' to the Court of Justice of the European Union, thus opening a legal dispute of structural proportions. The Court's ruling is expected in the autumn of 2025 and could redefine the conditions of applicability of the whole arrangement.

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Following this impasse, the government adopted a decree-law inaugurating a second, profoundly different model. It provides for the forced transfer to Albania of people already in Italy, detained in the Centres of Permanence for Repatriation (CPR). It is therefore a form of delocalisation of administrative detention for repatriation purposes, carried out after a procedure formally started on Italian territory, but continuing in facilities located across the border. This passage establishes a new opaque legal space, in which Italian law formally applies, but outside the ordinary guarantees of democratic, jurisdictional and civil control. The centres of Shengjin (arrival and identification point) and Gjadër (actual detention centre) were conceived as extraterritorial extensions of the Italian CPRs, but the degree of opacity is high. The exercise of the right to health, family unity and defence are hindered by multiple material and procedural barriers.

Those transferred to the Gjadër centre under the new 'model' were detained in the Italian CPR exclusively for reasons related to their legal status of residence. Besides some cases with a judicial record, most of the people have no pending convictions or charges, but are in administrative detention by virtue of irregularity of stay only. The criteria used to select who to transfer to Albania have never been made public, nor are they comprehensible or verifiable. No formal transfer order is issued, and therefore it is not possible to challenge the act in court. All transfers take place suddenly, without prior notice to either the persons involved or their lawyers. In all documented cases, the operations are accompanied by widespread use of coercive means - such as wrist bands - without any individual assessment of the need for such instruments. This set of arbitrary practices reinforces the opaque and inaccessible nature of detention, where detention is prolonged and relocated, but deprived of the minimum guarantees provided by the rule of law.

The lack of transparency - aggravated by the physical location of the centres in another country - makes independent monitoring very difficult, irreversibly compromising the effectiveness of rights.

The 'Albania model', in both its versions, represents a qualitative leap in the process of externalisation of Italian migration policies, and clearly expresses the direction taken: reducing access to the territory, limiting the possibility of obtaining protection, increasing detention, and reducing democratic control. It is a model of emergency and authoritarian management, which assumes deprivation of liberty as an ordinary tool, and which builds a regime of permanent contraction of rights in which Italian jurisdiction extends beyond its borders, but fundamental rights stop at the threshold.

The European proposal: the 'return hubs' of the new return regulation

The 'Albania model' does not take place in a vacuum, but is backed by a European approach to migration governance that aims to control, punish and externalise. Only a year ago, the European Parliament approved the Pact on Migration and Asylum, **a series of Regulations and a Directive** establishing a complex system for the management of migration and asylum at the European level. The Pact has been widely **criticised** by civil society because it introduces measures that seriously attack the fundamental rights of people on the move, in particular by requiring Member States to carry out accelerated procedures with reduced guarantees and safeguards, leading to increased detention and the risk of refoulement. Even before the scheduled date of the Pact's entry into application in June 2026, the Commission has already proposed several new measures that aim to boost the number of returns and make them more 'efficient'.

The main one is the **proposal for a new Return Regulation**, which would replace the current 2008 Return Directive. While introducing many extremely worrying elements, Article 17 is particularly relevant to the 'Albania model'. It provides for the possibility of returning a person to a third country with which there is an 'agreement or arrangement'. The latter must set out the procedures for the transfer of the person; the conditions of stay in the third country; where applicable, the modalities of return to the country of origin or to another country to which the person voluntarily decides to return, and the consequences if this is not possible; and the obligations of the third country. In addition, the agreement or arrangement must be monitored by an independent body or mechanism and must clarify the consequences in the event of violations or significant changes to it. Article 17 also specifies that such agreements can only be concluded with countries that respect international human rights standards and principles in accordance with international law, including the principle of non-refoulement. Although Article 17 does not explicitly mention return hubs, the Explanatory Memorandum makes an explicit reference to them.

The new proposed Return Regulation, in particular Article 17, is therefore a crucial development to be considered in the context of the Italy-Albania model, especially regarding the detention of persons in the Gjadër CPR. But there is more. More recently, the European Commission also published a proposal to frontload some elements of the Pact on Migration and Asylum, especially the Asylum Procedures Regulation, allowing Member States to:

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- Apply the border procedure or an accelerated procedure to persons from countries where, on average, 20% or less of applicants obtain international protection in the EU.
- Designate safe third countries and safe countries of origin with exceptions, excluding specific regions or clearly identifiable categories of individuals.

The second point is central to the Italy-Albania model, in particular the accelerated procedures that were initially supposed to take place in the centres. The European Court of Justice is indeed expected to issue a decision on the interpretation of the safe country concept, to establish whether it can be applied with exceptions. The decision is based on the Asylum Procedures Directive - currently in force. However, the Asylum Procedures Regulation, due to enter into application in June 2026, explicitly allows an interpretation of the safe country concept with exceptions - and the Commission's recent initiative to propose its early implementation seems another desperate attempt to make the Albania model work.

The Commission's proposals still need to be negotiated with Parliament and the European Council and then adopted. However, things are moving fast and there is a clear intention by both the Italian government and the EU to come together to put in place an increasingly externalised model of return governance.

Structural affinities: governing migrant bodies in a ruthless way

The 'Albania model' and the proposed Return Regulation converge in their underlying structure: both are devices designed to govern migrant bodies outside ordinary legal guarantees, using the twisting of law in the name of efficiency and deterrence. In both cases, physical containment becomes the pivot around which the entire management system revolves, without aiming to the protection of rights, but to the reduction of access, the acceleration of returns and the marginalisation of migrants. Externalisation is both a material tool (moving people and responsibilities elsewhere) and a discursive technique, which allows states to present themselves as neutral subjects while offloading the consequences of their policies onto other territories. The detention function, normally exceptional, is normalised and assumed as a necessary step in the governance of migration policies, emptying of meaning any reference to individual guarantees.

The lexicon of 'management' and 'cooperation' serves to conceal the coercive nature of these mechanisms. The rhetoric is filled with partnerships, support tools and efficient procedures, but what is produced are spaces of confinement and control, governed according to disciplinary logic and inaccessible to civil society. The selection of subjects, the preventive profiling, the acceleration of procedures: everything contributes to building a system in which the objective is confinement and exclusion from ordinary guarantees. The migrant person is, in this logic, an administrative object to be contained, sorted, removed.

Legal and operational divergences

Despite the obvious similarities, the two models have important legal and operational differences. In the case of the 'Albania model', Italy has assumed full jurisdictional authority over the centres set up on Albanian territory: this means that, at least formally, Italian law applies in full, even if the physical space is outside the national borders. This legal fiction allows the Italian state to operate as if the centre were on its own territory, without, however, guaranteeing accessibility, transparency and effective protection of rights. On the contrary, the European proposal of return hubs remains ambiguous: while providing for the establishment of centres in third countries, the type of jurisdiction applicable, the degree of democratic control and legal responsibilities remain blurred. Article 17 of the new regulation generically requires third countries to 'respect human rights', but does not clearly define the consequences in case of systematic violations.

Politically, the difference is equally significant. The Albanian model is the result of a bilateral choice, at the initiative of the Italian government and managed directly by the latter, while the European proposal is part of a multilateral framework, in which the fragmentation of responsibilities makes it even more difficult to identify an accountable subject. In both cases, however, the result is the construction of opaque legal spaces, where rights are bent in the light of administrative and securitarian needs. The marginality of migrants is not a side-effect, but a condition that is sought-after and reproduced, functional to a model that aims at the systematic removal of unwanted people through expulsion.

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The same logic: normalise the exception

The Albania model and the European proposal on return hubs share the same matrix: the reorganisation of law not to guarantee protection, but to make expulsion the ordering principle of migration policies. In both cases, the logic of the exception is systematised and turned into a rule, subverting the original function of asylum and protection rules. Administrative detention, conceived as a residual and time-limited measure, becomes the pivot around which increasingly sophisticated repressive devices revolve.

This transformation occurs through the production of opaque legal spaces, which are not external to the law but represent a structured distortion of it: places in which guarantees are formally provided for but substantially denied, and in which the possibility of effective recourse is systematically compromised. The suspension or postponement of rights, legitimised by reasons of efficiency or security, constructs a regime of detention and repatriation in which migrants are reduced to objects to manage, stripped of their legal and political subjectivity.

In this framework, marginality is no longer a side effect but a produced, structural, necessary condition: being a migrant means being placed in a grey area of law, where protections are intermittent, democratic control is inaccessible, and confinement becomes an ordinary experience. Migratory governance thus redefined is based on the selective management of mobility, the active exclusion of unwanted bodies, and the systematic erosion of the principle of equality.

Conclusions

Nine months after the entry into operation of the 'Albania model', we can begin to draw an initial balance. This is not only an analytical exercise: assessing what has happened is essential to understand the profound legal implications that that model raises, and to question what might happen at the European level. The result, from the point of view of fundamental rights, is alarming. The documented violations, the opacity of the proceedings, the systematic recourse to coercion and the absence of effective control instruments confirm the structurally violent and authoritarian character of the entire architecture.

Notwithstanding the differences between the Albanian model and the return hubs proposal, the assessment of what happened in Albania makes the horizon at the EU level even more worrying. The similarities between the two models - delocalization of centres, absence of democratic control, legal marginalisation of migrants - are in themselves cause for alarm. But it is the divergences that make the picture even more critical: in the case of the Italian model, the extraterritorial extension of jurisdiction has at least allowed the development of litigation - national and European - that has produced concrete effects on the functioning of the system. As is well known, the first operational scheme of the Albania model entered into crisis precisely as a result of the lack of validation by Italian judges of the detention and the referral to the Court of Justice of the European Union on the correct interpretation of the notion of 'safe country of origin'. Even the current version of the model - based on the transfer from the Italian CPRs - is now subject to significant litigation: a recent sentence of the Italian Criminal Court of Cassation has again referred the matter to the European Court of Justice, pointing out a possible violation of the Reception Conditions Directive and the Return Directive.

The outcome of these proceedings is still to be assessed. But what emerges is clear: the Italian jurisdiction - however fragile in its theoretical formulation - has not prevented the violations, but has made it possible to activate judicial paths capable of curbing, at least in part, the abuses. This is precisely one of the most critical points of the European proposal on 'return hubs': the ambiguity on the boundaries of jurisdiction and on the possibility of acting against the violations that would occur in these new spaces. This is all the more reason to radically reject this proposal and to resolutely oppose any attempt to make the logic of the exception permanent. Externalisation is not a neutral strategy: it is a power device that undermines the legality, rights and dignity of people. Countering it today, in all its forms, is a political and legal urgency that can no longer be postponed.

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