



Document #2128159

Amnesty International (Author)

Italy: EU Court ruling on 'safe countries of origin' is a heavy blow to Italy-Albania migration deal

Reacting to today's ruling by the European Union (EU) Court of Justice (ECJ) that Italy's rules on designating certain countries of origin as 'safe' for people seeking asylum was incompatible with EU law, Adriana Tidona, Migration Researcher at Amnesty International, said:

"Today's significant ruling deals a heavy blow to the harmful Italy-Albania migration deal to offshore the processing of asylum-seekers to camps in Albania. The Court found that the designation of a country as safe must offer the possibility of an effective and transparent judicial review, and be based on sources of information that are accessible, something that Italy currently does not guarantee. Unless Italy complies with the ruling in law and practice, transfers to Albania based on the use of the 'safe country of origin' concept would not be in line with EU law.

"The ECJ's ruling is a welcome wake-up call for EU member states seeking to expand migration control to the detriment of migrants and refugees' rights. It sets out key safeguards for people navigating asylum procedures, which should set the standard not only for Italy's practice, but also the implementation of the EU's Pact on Asylum and Migration.

"Irrespective of today's positive news, we must remember that the Italy-Albania deal in its entirety breaches Italy's obligations under Italian, international and EU law. At its core, it relies on automatic detention, which is arbitrary and unlawful under international law. Today's ruling only strengthens our call on the EU Commission to conduct a thorough legal analysis of the agreement's compliance with EU law."

Background

The case brought before the ECJ concerned Bangladeshi asylum seekers who were transferred to the Gjadër detention centre in Albania under the Protocol in 2024. Their asylum applications were subsequently rejected as, according to Italian law, they were classified as coming from a 'safe country of origin' and were unable to prove that the country was unsafe for them. Under Italian law, asylum-seekers from countries designated as 'safe' are liable to be administratively detained in Italy or transferred to the detention centres in Albania that are funded and managed by the Italian government.

The ECJ ruled that EU member states cannot designate countries as 'safe' if they do not offer sufficient protection to the entirety of the population, in contrast with Italy's rules that allow to designate countries as safe with exceptions for certain groups. The Court also found that member states must ensure that such designation can be subjected to an effective and transparent judicial review, and that it is based on sources of information that are accessible to the asylum-seeker and the court in charge of review.

In 2024, Amnesty International [found](#) that asylum-seekers and migrants in Italian facilities were being unlawfully deprived of their liberty.

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ecoi.net description:

EU Court of Justice rules that Italy's provisions on designating certain countries of origin as 'safe' for asylum seekers is incompatible with EU law

Country:

Italy

Source:

[Amnesty International](#) (Author)

Published:

1 August 2025

Original link:

<https://www.amnesty.org/en/latest/news/2025/08/italy-eu-court-ruling-on-safe-countries-of-origin-is-a-heavy-blow-to-italy-albania-migration-deal/>

Document type:

Appeal or News Release

Language:
English

Available on ecoi.net since:
11 August 2025

Document ID:
2128159

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Country of Origin and	T +43 1 589 00 583	F.A.Q.
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Documentation	info@ecoi.net	
(ACCORD)		

ecoi.net is run by the Austrian Red Cross (department ACCORD) in cooperation with Informationsverbund Asyl & Migration. ecoi.net is funded by the Asylum, Migration and Integration Fund, the Austrian Ministry of the Interior and Caritas Austria. ecoi.net is supported by ECRE & UNHCR.

