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European Nations' Asylum Paradox in Perspective: Exploring Italy-Albania's Refugees Pact Asylum Processing under the 1951 Geneva Convention and the 1967 Protocol

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Abstract: This study explores Italy-Albania's refugees pact asylum processing to create awareness about humanitarian issues, the 1951 Convention's contravention, and to expose Italy's (Europeans') asylum paradox. Asylum successful applicants get access to Italy, whereas unsuccessful applicants are repatriated. This study is significant because of the open arms Europeans received Ukrainian refugees, whereas Syrian and Afghan refugees were neglected. The paper adopts Building an infrastructure of Dissent, and Civil Solidarity as a Transformative Practice, exploring Italy-Albania's pact. The study adopts a literature review, otherwise known as a 'meta study'. The study identifies that Europeans, through civil solidarity, signed the Convention, protected European descent refugees. However, the 1967 Protocol results in refugees floodgate'. Most refugees are non-Europeans. Regarding priorities shift from humanitarian issues to infrastructural development. This explains the European asylum paradox. Far-right ideologies deemed nations safe in the absence of war. Conflicts and cultural practices tantamount to persecution are ignored in asylum seeking. Modern migration consists of a mixed bag is frowned upon in processing asylum. Only push and pull factors are considered. Some nations are deemed 'safe'. Applications from such nations are ignored. Unsuccessful applicants are repatriated, which violates human rights and contravenes the 1951 Convention. This study argues that, unlike in the 1950s, when humanitarian and civil solidarity concerned Contracting States, nowadays, nations prioritize infrastructure over human rights. Far-right ideologies 'fan' Italy-Albania's pact violates human rights and contravenes the Convention. The paper recommends the Convention's re-examination to be abreast with time, since Contracting States nowadays value infrastructure over civil solidarity.

Keywords: *Italian government, Albania refugee camp pact, European nations, Asylum paradox, The 1951 Geneva Convention.*

1. Introduction

The study explores Italy-Albania's refugee camp pact asylum processing to create awareness about human rights abuse, and the 1951 Geneva Convention contravention by Italy. It further explores the European nations' asylum paradox, specifically in Italy, where asylum seekers camped in Albania for their documents to be processed. Successful applicants for refugee status are permitted to enter Italy, whereas unsuccessful applicants are repatriated to their country of origin (COOs). The study is relevant because Europeans open their arms to receive refugees from the European region (Ukraine), whereas refugees from Syria, Afghanistan, and other African countries were discriminated against and 'neglected' (Oyebamiji et al., 2022). For instance, in Britain, Elmbridge Borough Council, since March 2022, pays £600 per month as a "thank you" to new volunteers who host Ukrainian families (British Broadcasting Corporation, 2024). The paper adopts Building an infrastructure of Dissent (Fischer & Jørgensen, 2021, 24) and Civil Solidarity as a Transformative Practice (Agustín et al., 2024) concepts to explore Italy-Albania's refugee camp pact. Both concepts explain how the 1951 Convention is implemented to extend solidarity to European descent refugees by prioritising civil solidarity over infrastructure. However, nowadays infrastructure is prioritised over civil solidarity; Italy is signatory to the Convention, which serves her as a Contracting State; which far-right group is a component of but does not believe that solidarity should be extended to refugees automatically. Why Italy as a contravening state to the 1951 Geneva Convention, which aims to protect refugees decide to process refugees in Albania? This study is different from the existing research because of a novel approach to externalising refugees processing, which is the subject of academic inquiry and ongoing legal due to its unique jurisdictional setup. Further, the study departs from norms of processing asylum seekers in the CODs.

The devastating First World War (1914-1918) left millions of people homeless. People fled their countries to seek sanctuary in other nations (Parkins, 2010). The number of migrants to other nations for sanctuary increased drastically during the Second World War (1939-1945). Since millions were resettled and deported forcefully. Throughout the 20th Century, nations were concerned about human rights issues. As a result, a policy

was formulated and enshrined in international law that promotes and protects the refugees' rights (Weissbrodt & De La Vega, 2007). In 1921 League of Nations tried to protect refugees but was unsuccessful. In July 1951, the U.N. Convention was 'born' to protect specifically European refugees, enshrined in the non-refoulement principle (U.N. Geneva Convention, 1951; Adebayo, 2015).

The 1951 Convention laid down who refugees were, their protection, types of assistance that should be extended to them, and rights in CODs (U.N. Convention, 1951). Later, the 1967 Protocol was signed to extend the 1951 Convention to other nations. This opened the 'refugee floodgate' (Fermi, 2021). It created refugee problems globally. The 1951 Geneva Convention stipulates that an asylum seeker is "a person who seeks safety from persecution or serious harm in a country other than their own and awaits a decision on an application for refugee status under relevant international and national instructions. In case of a negative decision, the person may leave the country and be expelled unless permission to stay is provided on humanitarian grounds". However, people with war crime records were exempted from refugee status (Mujuzi, 2020). During the post-war period, the refugees were Soviet dissidents and intellectuals (Fermi, 2021).

The 1967 Protocol opened refugees to developed nations. Especially, in European nations that enforced them to design harsher policies to assess refugee applications (Weissbrodt & De La Vega, 2007). Former British prime minister Sunak's ideology to ''stop the boats, which aimed to process asylum application claims in Rwanda, was 'halted' (The Guardian, 2024). Because of a change in governance, which brought Starmer as the new prime minister (Vorvornator, 2024). Also, Italy funded the Albanian refugee camp with the capacity to host 880 asylum seekers aims to process 36,000 refugees per year. The pre-deportation centre was called CPR with 144 and 20 places to sleep and prison, respectively (The Guardian, 2024). Despite objections from human rights associations about the pact of breaching international law, it was tacitly endorsed by the European Union (EU) (The Guardian, 2024). The pact was signed by Italy's far-right prime minister, Giorgia Meloni, and her counterpart, Edi Rama of Albania, in November 2023. The far right ideologies are based on hierarchy, authority, nationalism, order, and dignity as opposed to socialism and equality (Hameleers, 2019). The pact will cost Italy €670m (£560m) over five years. The facilities are operated by Italy under its jurisdiction with Italian security, and staff and judges to hear cases through video from Rome. Meanwhile, the Albanian guards provide external security (The Guardian, 2024). The key point of the 1951 Convention and 1969 protocol was to protect refugees in the CODs but did not mandate external processing of refugees in third countries. However, this study contradicts which results of externalisation and human rights abuse. This study aims to expose human rights abuses in the refugee externalisation process. Further, to create awareness about Italy as a Contracting member's contravention of the 1951 Geneva Convention, she was a signatory to.

According to Italy-Albania's refugees pact, there will be initial screening of asylum seekers on board of rescue ships before they are sent to Albania for further screening (The Guardian, 2024). Asylum seekers intercepted in Italian waters are deemed to be most vulnerable, including children and women will be shipped to Italy (The Guardian, 2024). Other EU nations aim to adopt harsher immigration stances, bought into the idea amid the pressure on far-right groups who made significant headway in EU elections in summer 2024 (The Guardian, 2024). European Commission chief Ursula von der Leyen asserted that the bloc would "be able to draw lessons from this (*Italy-Albania's refugees camp pact*), experience in practice" (The Guardian, 2024) (Italics are mine). The UK prime minister, Starmer, who expressed ''great interest'' in the migration pact with Meloni, promised to support the irregular migration crackdown with £4m (The Guardian, 2024). Meloni's idea is nurtured by the far-right ideology that believes in segregation instead of inclusivity. As she was noted to have once noted that Italy should repatriate migrants and "sink the boats that rescued them" (Silverstein, 2020; Al Jazeera, 2024). In the past, Meloni advocated for a naval blockade of North Africa (Silverstein, 2020).

Carling and Talleraas' (2016) research observed that European asylum policy is founded on a paradox principle. Carling and Talleraas (2016) elaborate that European nations nowadays prioritise infrastructural development over humanitarian rights or civil solidarity. Meanwhile, they committed themselves through the signatory of the 1951 Convention to grant access and protect people who have a well-founded fear of persecution on individuality as enshrined in international law. Since most refugees were of European descent. Currently, European nations have strived to make it difficult for people with well-founded fears of persecution to reach their territory and launch applications (Carling & Telleraas, 2016). This portrays European nations' upholding of humanitarian rights in theory but not in practice. It displays what the paper termed 'double

standard'. Perhaps, the explanation could be that modern refugees are non-European descendants, unlike in the 1950s when the Convention was constituted.

Rights groups and Amnesty International have criticised that Italy-Albania's controversial migration pact breaches international law. Amnesty International (2024) describes the Albania refugee camp as "a cruel experiment [that] is a stain on the Italian government", and Doctors Without Borders argues that the pact "raises serious human rights concerns" (Silverstein, 2020; Al Jazeera, 2024). Migration expert Matteo Villa of Datalab Europe, quoted in Reuters (2024), concurs that: "The more migrants decide to undertake the journey, the higher the probability of being brought to Italy because the capacity of the Albanian centre is fixed". Matteo continued that "No matter how you look at it, not only will the idea of opening a centre in Albania not be part of the solution, but it will become part of the problem". However, Meloni brushed aside criticisms that "it is a new, courageous, unprecedented path, but one that perfectly reflects the European spirit and has everything it takes to be followed also with other non-EU nations. Italy-Albania's refugee camp was opened on 11 October 2024 with 24 asylum seekers amid the criticisms. This study contributes to the potential contravention of the non-refoulment principle under the 1951 Convention and 1969 Protocol by Contracting members regarding human rights abuses due to offshore processing of asylum seekers.

Are human rights under the 1951 Convention breached by the Italian government? And is Italy's far-right government 'thrown away' civil solidarity over infrastructural development? The study aims to explore human rights abuse in Italy-Albania's pact under the 1951 Convention to create awareness globally. Specifically, to EU nations that aim to adopt this controversial pact, which contravenes international law. The paper is structured as follows: theoretical framework, literature review, and methodology. The rest are findings, conclusions, and recommendations.

Theoretical Framework

Civic Solidarity as a Transformative Practice-Building and Infrastructure of Dissent concepts.

The study adopts the concepts of Building an infrastructure of Dissent (Fischer & Jørgensen, 2021) and Civil Solidarity as a Transformative Practice (Sears, 2014; Agustín et al., 2024). Both concepts capture how the 1951 Convention is implemented to show solidarity to EU descendant refugees. Italy's signatory serves as a Contracting State, where far-right groups were components, but it does not believe that solidarity should be extended to refugees automatically.

Solidarity is a relational practice. It is also contentious; it erupts strongly in the moment of disruption. It involves alliance-building among diverse actors (states, organisations, refugees, and the U.N.). It is situated in time and space and organised in multi-scalar relations. It relates to institutions, organisations, and States differently (Agustín et al., 2024; Fischer & Jørgensen, 2021). Solidarity practices criss-cross geographical and national borders. Solidarity bonds people together. To understand solidarity, villages, urban scale, and states serve as both empirical sites for solidarity practices and provide an analytical lens (Darling, 2021). States are analysing how solidarity can become institutionalised, which leads to an alternative infrastructure of inclusion. The spatial and relational solidarity's understanding differentiates between autonomous, civil, and institutional forms of solidarity (Agustín et al., 2024). Bauder and Juffs (2020, p 46) claim that civil solidarity is "complex, multi-dimensional, and normative". Civil solidarity in the context of intervention entails the manner the Contracting States organised within the 1951 Convention to assist individuals and groups of people (refugees) who are in need. It involves a large number of actors (States), organisations, non-governmental organisations (NGOs), and individuals. Civil solidarity is practiced by individuals, civil society, and nations, but the degree varies depending on the claims and strategies of each institution.

Elaborating on activities of civil societies and states involves focusing on the dynamics of contestation and action. Solidarity is a concept that can be linked to the notion of dissent. Jørgensen and Agustín (2015) defined dissent as "social and political questioning (not just mere critique or a need for palliative reforms), undoing consensus and rendering excluded actors and struggles visible". From the explanation, dissent assumes relevance as experience opposed to the dominant order to render new members, struggles, and difficulties, and organising them visibly. Sears (2014) describes dissent in his book *The Next New Left* coined the term "infrastructure of dissent". According to Sears (2014), research infrastructure provides social movement with important capacities, namely: capacity for solidarity; collective dreams; collective learning; and collective

memory. Therefore, exploring the Contracting States under the 1951 Convention, such as Italy's solidarity to refugees, helps identify how States provide resources and infrastructure to support various forms of dissent (Jørgensen & Agustín, 2015).

In Sears' (2014) research framework, of infrastructure of dissent involves the capacity of solidarity as part of an integral component. However, Sears (2014) asserts that far-right ideologies do not regard solidarity as an automatic response to injustice, but rather it needs to be cultivated. In other words, while individuals, Contracting States, and the United Nations sympathise intuitively with refugees, various nations require resources and infrastructure to enable solidarity as effective praxis. Hence, the global sympathy will not be useful as in transformative one, if it is not translated from theory to practice through the Contracting States.

Italy, as a nation, through civil solidarity, sympathised with European descent refugees who signed the 1951 Convention protects EU refugees. Later, it was extended to the 1967 Protocol to protect global refugees. The far-right politicians were the 'infrastructure of dissent', which embodies the civil solidarity as an integral part of Italy's signature to protect global refugees. However, the far-right politicians do not regard Italy's solidarity as an automatic reaction to refugees' plight, but rather that 'action' is needed before rewards. Hence, far-right groups' assumption of power in Italy established an Albanian refugee camp to examine asylum applications. Successful applicants would be brought to Italy, whereas unsuccessful applicants will be repatriated to their COO. This process explains how the 1951 Convention served as ''the concept of civil solidarity'', the Italian government, through solidarity, becomes the Contracting State, over which the far-right politicians have less control.

The framework elaborates on the reasons European nations engage in the asylum paradox. The Contracting States are willing to extend solidarity to refugees through their signatory to the 1951 Convention. But prioritising resources and infrastructure over civil solidarity are bottlenecks that hamper the needed assistance to refugees. Hence, human rights abuse and contravention of the 1951 Convention. To summarise the framework, resources and infrastructural development are rated over humanitarian issues, unlike in the 1950s civil solidarity and humanitarian issues were rated over infrastructural development.

2. Literature Review

Arguments about Italy-Albania's refugees pact contravention of the 1951 Convention and human rights abuse

According to the 1951 U.N. Convention, refugees are individuals or groups of people who move outside their nation's boundaries. Because of well-founded fear, security concerns, holding different ideologies and political views from the ruling government, and they are persecuted by the authorities (Weissbrodt & De La Vega, 2007). This implies that the COD becomes the sanctuary to protect the refugees rather than the COO. They cannot be repatriated to their COO until the conditions are conducive. On their return, they are no longer refugees in the COD or assume permanent status or naturalised citizens in the COD (Korac, 2003).

International Organisation for Migration (IOM) (2018) on humanitarian grounds defined refugees as "anyone who, owing to the well-founded fear of precautions for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his or her nationality and unable or owing to such fear, is unwilling to avail himself or herself of the protection of that country" (U.N. Geneva Convention, 1951, Act 1A).

The Cartagena (1984) declaration stipulates that "among refugees [are included] persons who have fled their country because their lives, safety or freedom have been threatened by generalised violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order". This implies that individuals or groups of people may not necessarily leave their nation due to war or genocide to qualify as asylum seekers. People may become refugees because of internal conflict, human rights violations, and chieftaincy issues. Therefore, it is difficult to ascertain that a nation is safe to deny asylum seekers refugee status, as Italy declared 21 nations as 'safe' (The Guardian, 2024). A country may not necessarily be at war before people's life is disrupted. There could be discrimination and persecution by individuals or groups of people through beliefs, religion, gender, and other cultural practices.

Principles of non-discrimination, non-penalisation, and non-refoulement under the 1951 Convention
The core principles of the 1951 Convention are non-discrimination, non-penalisation, and non-refoulement. On humanitarian grounds, it is enshrined in the 1951 Convention that individuals should not be discriminated against based on age, race, religion, or gender, among others (Lerner, 2003). This implies that each one's human rights must be upheld in high esteem irrespective of race, gender, and COO, as was enshrined in the Convention of Article 13 (Lerner, 2003).

The Convention further stipulates that non-penalisation of an individual being persecuted, and there is a well-founded fear that s/he happens to enter any Contracting States illegally (Durieux, 2014). It means the individual being persecuted needs to be protected by Contracting States. This is confirmed by Article 31 of the 1951 Convention (Durieux, 2014). This explanation indicates that asylum seekers found in the waters of Italy and shipped to the Albanian refugee camp contravened the 1951 Convention (Durieux, 2024).

Non-refoulement is concerned about an asylum seeker not being repatriated to their COO (Juss, 2013). The international law asserts that even if the person is denied asylum in the country where the application is launched, s/he should be given some period of time to find another safe country to seek asylum. In case the first nation does not grant refugee status on humanitarian grounds (Otieno, 2021). This implies that the 1951 Convention prohibits the repatriation of asylum seekers if their application is unsuccessful (Juss, 2013). Therefore, Italy-Albania's pact aims to bring successful applicants to Italy, and applicants unsuccessful are sent to their COO contravenes the 1951 Convention and violates asylum seekers' rights (Juss, 2013). This is expressed in Article 32 of the Convention. The article aims not to expose asylum seekers to external danger (Otieno, 2021). However, the Convention stipulates that a refugee considered a threat to national security can be expelled from the territory.

Italy's government deemed some nations as 'safe'
Italy's far-right government deemed 21 nations as ''safe. Regard authorities do not accept asylum applications from such purported safe nations (Hailbronner, 1993; Al Jazeera, 2024). Safe purported nations include: Bangladesh, Egypt, the Ivory Coast, and Tunisia, among others. Unknown to Meloni's government, other factors trigger violence, and display people homeless, which are not reported to the international community. For instance, the old age Bawku conflict in Ghana (ongoing) (Bukari, 2013). This conflict and other abnormal practices may not attract the international media's attention. Hence, one may declare Ghana as a safe nation through its democratic practices over 32 years.

Again, the word safe is subjective. A situation one may perceive to be safe may be dangerous to another person (Ajzen, 1988). This is explained by the Theory of Reasoned Action propounded by Ajzen (1988). The Theory of Reasoned Action explains the nexus between a person's attitude and behaviours within human action (Ajzen, 1988). This means that unsafe situations trigger migration to avoid any danger, whereas safe situations discourage migration (Ajzen, 1988). For an individual to undertake migration to seek asylum depends on the assessment of situations, which stems from upbringing (nurturing). Therefore. It is not only war and genocide that lead to public disorder to trigger people to seek asylum (Farmer, 2008). Article 26 of the 1951Convention stipulates that each Contracting State shall allow refugees lawful in their territory the right to choose the residence (Farmer, 2008). Article 26 emphasizes the asylum seeker's choice of destination among Contracting States of the 1951 Convention they consider to be safe. Italy-Albania's refugee camp pact on the outskirts of the EU to assess the asylum seekers' application contravenes the 1951 Convention, in which it was a signatory (Farmer, 2008).

Far right ideologies of non-discrimination and non-persecution in the absence of war and genocide
As stated earlier, the Italy-Albania pact, which deemed some 21 nations, including Bangladesh and Egypt, as safe nations, seems to contravene international law (Al Jazeera, 2024). Because Article 3 of the Convention states that refugees should not be discriminated against based on their COO but rather on the well-founded security concerns (Fermi, 2021). War and genocide are not the only factors that trigger people's peace and sanity. Internal conflicts, violence, family feuds, forced marriages, and incest could spark discrimination and persecution (Ganusah, 2000). For example, certain outdated cultural practices in some nations. This brings to mind the practices of atonement among the Ewe people in Ghana, which perhaps is against an individual's or a group of people's beliefs (Ganusah, 2000). Female genital mutilation (FGM) practices in Africa. Especially, in

Somalia and Kenya are other obnoxious practices that some females may be uninterested in. In that vein, it may force women to seek asylum elsewhere (Abusharaf, 2013). FGM is the practice that involves partial or total removal of the external female genitalia (Abusharaf, 2013). The chieftaincy issue is another area where people are persecuted and discriminated against in developing nations. The current lesbian, gay, bisexual, transgender, and queer (LGBTQ) is another practice in Africa which some cultures frown upon (Nyanzi, 2013). An individual who engages in such practices, and society frowns upon it, will face people's wrath. Moreover, Italy's government consideration of Albania as a safe environment for asylum seekers who flee from dangerous situations to seek sanctuary in Italy entails human rights violations (The International Rescue Committee (IRC), 2024). How safe is Albania in protecting people who are fleeing from danger? The Italy-Albania pact seems to push asylum seekers, who are seeking safety, into more dangerous routes and human rights violations.

Refugees are the cause of problems in the Contracting States.

To recall, far-right ideologies are based on hierarchy, authority, nationalism, order, and dignity as opposed to socialism and equality (Hameleers, 2019). They are noted for expressing anti-immigration sentiments (Camenisch & Müller, 2017). They believe that social ills such as crime and prostitution are committed by refugees and migrants. Usually, the native population is replaced by refugees and migrants, which leads to unjust economic and multiculturalism issues (Camenisch & Müller, 2017). Far-right politicians attribute economic woes and inefficient service delivery to being caused by refugees and migrants. Due to 'pressure' they (refugees) exert on the nation's resources and infrastructure (Hameleers, 2019), but not the actions of greed and corrupt politicians (Vorvornator & Mdiniso, 2022).

Power changes across the EU elections in the summer of 2024 witnessed significant headway in the performance of far-right parties. This stems from the idea of harsher immigration stances 'blowing' across the continent. Meloni, as a far-right leader and the leader of the government in Italy, would like to 'please' the electorate about her promises to reduce immigration into the country (Fermi, 2021). In that regard, Meloni's government's contravention of the 1951 Convention through the Italy-Albania pact might not be a surprise. Because it is part of far-right ideologies.

Daniele Albertazzi, an Italian politics expert at the University of Surrey, describes the Italy-Albania pact as "But it's a way of showing the right-wing electorates that you (*far-right national government*) are doing something" (Italics is mine). On the latest ruling about Albania's 'unsafeness', and the 21 safe nations declared by the Italian government, Albertazzi stated in The Financial Times Limited (2024) that Meloni would probably employ the court's rejection to her advantage by portraying to the electorate that the courts are a highly politicised judicial system in Italy. In Albertazzi's words, "She *(Meloni*) can say, 'I'm doing my best but because the magistrates are left-wing, we have a battle on our hands'', (Italics are mine), he stated. Albetazzi continued that "It will allow her to play the part of the victim and say the usual elites are stopping the people from having what they want" (The Financial Times Limited, 2024). Therefore, far-right ideologies deem immigration as a problem and create a humanitarian crisis in the COD; they would not allow asylum seekers in Italy. Hence, the creation of the Italy-Albania pact, which contravenes human rights and the 1951 Convention.

Modern migration trends are a mixed bag rather than push and pull factors influencing them

Migration is triggered by push and pull factors (Lee, 2017). The push factors are considered as unfavourable conditions, such as unemployment, climatic conditions (drought, famine, and bush fires). Whereas pull factors are developed nations' amenities such as infrastructural development (roads, electricity, schools, hospitals, and a good communication system), and 'purported', available jobs that attract migrants (Lee, 2017). Mixed-bag migration consists of both push and pull factors (Simpson, 2021). This implies that a migrant may travel for unemployment reasons, and at the same time consider developed nations' infrastructural development before making a choice (Simpson, 2021). Mixed-bag migration occurs when an individual leaves their country through persecution, while s/he were unemployed, and s/he aim to be employed in COD. This implies that the persecution acts against the person qualify him as a refugee, and being unemployed qualifies him as an economic migrant (Korsi, 2022). Should an individual be treated as a refugee or an economic migrant?

An individual would consider where to get the sanctuary in terms of better infrastructural development before migration. This serves the purpose of pull factors; it makes the migration concept complicated (Vorvornator & Enaifoghe, 2024). Therefore, an individual's application is unsuccessful in Italy-Albania's refugee camp with

the reason that s/he is an economic migrant, and repatriation contravenes the non-refoulement principle (Farmer, 2008). The 1951 Convention prohibits the expulsion of asylum seekers, enshrined in Article 33 of the 1951 Convention. It is enshrined to protect asylum seekers from threats (Farmer, 2008). Article 33 continued that rather than contacting States should protect unsuccessful applicants to find another safe country to migrate into, if asylum would not be granted on humanitarian grounds (Farmer, 2008).

The Italian court ruled against the Italy-Albania deal for the first time. The court ordered 12 migrants to be brought from the Albanian refugee camp to Italy (The Financial Times Limited, 2024). On the second ruling, the Italian immigration judges revealed that in examining the Albanian refugee camp, which is outside the bloc of the EU, is unsafe for the asylum seekers who are running away from a dangerous situation to a sanctuary (The Financial Times Limited, 2024). Italian judges argued that the "criteria for designating a state as a safe country of origin are established by EU law'', The verdict continued that "always and concretely verify" whether decisions of Meloni's government are a 'correct application' of EU law (The Financial Times Limited, 2024). The judges called on the international court to interpret whether the Italy-Albania pact complies with international law (The Financial Times Limited, 2024).

In response, the deputy prime minister Matteo Salvini states that "Another political sentence, not against the government, but against Italians and their security''(The Financial Times Limited, 2024). Meloni, on a trip to Lebanon, indicated that she would convene a Cabinet meeting about the ruling. In Meloni's words, "We'll meet to approve some norms that will allow us to overcome this obstacle." Meloni continued that "I believe it's up to the government and not magistrates to establish which countries can be considered safe" (The Financial Times Limited, 2024). However, whether Italy's far-right national government will comply with the directives of the court is yet to be known, since the Italy-Albania pact ruling was made a few days before the article was submitted.
From the foregoing discussion, the study argues that due to modernity, which entails infrastructural development rating over humanitarian grounds, enticed the EU nations to ignore the solidarity that was extended to the EU descendant refugees. Hence, the decision for externalisation of refugees' applications in unsafe nations leads to refugees' rights abuse and Contravention of the 1951 Convention.

3. Methodology

The study adopts a literature review (LR) to explore Italy-Albania's refugee camp asylum processing to create knowledge and awareness about human rights abuse, and the 1951 Geneva Convention contravention, as well as the European nations' asylum paradox. Jackson (2020 et al., p. 21) explains that LR is ''the process of accessing published secondary data. The definition indicates two distinct characteristics. This indicates that the LR adopts only published information, not primary data. The published is broadly used, which comprises books, articles, journals, and organisational and non-organisational reports (Maxwell, 2021). The second characteristic identifies that the LR is employed 'in-house', not in the field (Jackson et al., 2020, p. 11).

Several search engines namely: Google Scholar, Scopus, Web of Science, EBSCOhost, JSTOR, migration websites and journals namely, Journal for International Migration, and Integration and International Organization for Migration (IOM), and search terms such as 'asylum', 'asylum seekers', 'refugees', 'the 1951 Geneva Convention', 'far right', and 'refugee camps', were employed. The study acquired 1,296 ideal publications; 1,288 of these emerged from an electronic search, and eight were found through backward and forward search. Through an eligibility assessment conducted a total of 104 articles were selected, via the following eligibility criteria: a) the articles that concentrated on either or both factors associated with the asylum paradox and refugee camps; b) focused on Italy-Albania's refugee camps; c) published in 2014 or later; d) published in English (Creswell & Poth, 2016). And 2014 was considered because it was unprecedented and a phenomenon in the migration history (Arab Springs, Afghan and Syrian refugees migration to Europe, as well as Ukrainian refugees).

Templier and Paré (2015) reveal six steps in conducting LR, namely: a) indicating the objectives and research questions; b) finding the relevant articles; c) making an inclusion; d) assessing the quality of articles; e) extracting data, and f) analysing data. All articles considered irrelevant were excluded. After the eligibility check, I proceeded to the data extraction and analysis stage. Data extraction deals with coding ideal articles related to the study. I employed 'framework analysis', which deals with a methodological procedure for extracting and analyzing the existing literature, because it has a laid out guiding process that facilitates both

the extraction and analysis of important data. The process Ritchie and Spencer (2002) called "sifting, charting, and sorting materials according to key themes and issues". In specific terms, familiarisation is done to have in-depth knowledge about the articles' relevance, identification of the thematic framework, which reveals memos on the concepts, knowledge, and ideas that emerged from the existing literature review. Indexing is done through sifting the information related to the particular themes; charting the information was done to sort out relevant headings and sub-headings during the thematic framework stage (Creswell & Poth, 2016). Mapping and interpretation, which involves gathering all the criteria features of the dataset and performing a synthesis of information, were adopted.

Several articles selected employed a range of qualitative and quantitative methodologies. Meta-analysis for quantitative information was carried out because the research methods did not share the same variables. Textual information was coded and mapped appropriately using a framework analysis approach. The theories and LR present broader pictures, basic and baseline information, and an understanding of the existing literature on the topic (Maxwell, 2021). LR helps to avoid duplication of existing works by scholars. However, the limitations could be that since not all academic search engines were used, there could be some existing literature that the literature might not cover.

4. Findings

The study's finding reveals that European nations are signatories to the 1951 Convention because of civil solidarity to protect European refugees' descent (Jørgensen & Agustín, 2015). The 1967 Protocol implementation, which extended refugees' civil solidarity and protection globally, led to the refugee floodgate. This requires much-needed resources and infrastructure (Sears, 2014; Hameleers, 2019). Refugees floodgate exerted much pressure on Contracting States, so despite European nations' solidarity to protect, due to the resources and infrastructure needed, Contracting States make it difficult for refugees to arrive in their country (Fermi, 2021). In other words, nowadays Contracting States rate infrastructural development over civil solidarity. This explains the European nations' asylum paradox; in theory, EU nations want to extend civil solidarity to refugees, but practically, they prioritize infrastructural development over refugees' needs due to modernity (Carling & Telleraas, 2016). Far-right politicians were (indirectly) part of the signatories to the Convention, but do not believe in automatic solidarity with refugees. On assumption of power, far-right ideology (solidarity is not automatic for refugees) was implemented. Hence, Italy-Albania's refugee camp pact. The pact aims to process asylum seekers from Albania instead of Italy's territory. This violates refugees' rights and contravenes the 1951 Convention, which stipulates that Contracting States should protect asylum seekers within their territory (Farmer, 2008).

The study's finding further reveals that far-right ideologies regard war and genocide as the only means that can cause public disorder, which leads to the declaration of some nations purported to be safe (Ganusah, 2000). The far right ideologies do not believe in internal conflicts, chieftaincy affairs, and cultural practices that can lead to persecution and discrimination of individuals and groups of people (Bukari, 2013). Hence, the establishment of the Albanian refugee camp may deny asylum seekers who face persecution and discrimination, not through holding direct views from the government, war, or genocide (Weissbrodt & De La Vega, 2007). This violates asylum seekers' rights and contravenes the 1951 Convention, which Italy signed to uphold in high esteem.

Moreover, considering a nation to be safe because of that asylum applications from purported safe nations are not processed contravenes the 1951 Convention, and violates asylum seekers' rights (Lerner, 2003). This contradicts Article 3 of the Convention, which states that refugees should not be discriminated against through their COO (Lerner, 2003). The study's finding identifies that Albania might not be safe because asylum seekers do not choose it as their COD. It therefore raises security concerns about the state of Albania (The International Rescue Committee (IRC), 2024). Since asylum seekers are being persecuted and fleeing from dangerous situations might lead them into more dangerous routes in Albania (IRC, 2024).

The finding further reveals that the current trends of migration comprise both push and pull factors known as a mixed bag (Korsi, 2022; Lee, 2017). This implies that the original idea of migration could be an economic issue. However, there can be hostile conditions (xenophobia, racism, and FGM) in the first COD, which may lead to persecution and discrimination likely to trigger secondary migration to a sanctuary. Or an individual can be

persecuted and at the same time unemployed in his COO, before seeking asylum in another country (Simpson, 2017). Therefore, to consider a nation as safe, regards asylum applications that are not processed violates rights and contravenes the 1951 Convention.

The Italy-Albania refugees camp pact, which indicates that unsuccessful applicants will be repatriated, contradicts the non-refoulement principle (U.N. Convention 1951). The non-refoulement principle states that any asylum seeker should not be returned to their COO but rather should be protected by the COD (Juss, 2013). However, they can return once the conditions in the COO are conducive. This means their permanent residency status and protection from COD cease (Juss, 2013). In contrast, asylum seekers with war criminal records can be repatriated. This means that Italy's far-right deal to repatriate unsuccessful applicants contravenes the 1951 Convention and violates asylum seekers' rights (Otieno, 2021).

The study further identifies that the first batch of asylum seekers found in Italy's territory was shipped to Albania's refugee camp violates their rights and contravenes the 1951 Convention (Durieux, 2014). This is pointed out in Article 31 of the 1951 Convention, which stipulates that the unlawful entry of a Contracting State's territory by refugees should not attract a penalty (Durieux, 2014). The Italian government's action of shipping refugees to Albania against their will violates their rights. Based on the findings presented, the paper argues that Italy's far-right ideologies influenced the decision to Albania the refugee camp in Albania to segregate asylum seekers. Because, currently, most refugees are non-European descendants, and Italy seems to prioritise infrastructural development over humanitarian rights, unlike in the 1950s, when refugees were EU descendants and humanitarian and civil solidarity were prioritised.

Overall, the study argues that Italy's far right's deeds of 'neglecting' humanitarian and civil solidarity, but rather infrastructural development admiration, informed Albanian refugees' camp establishment, which violates asylum seekers' rights, and contravenes the 1951 Geneva Convention. Below is a tabular summary of the selected articles from 2020-2025 along with the key findings.

Summary of selected articles on refugees under the 1951 Convention from 2020 to 2025

Articles	Summary of findings
Βελέντζα (2020). The interpretation of the 1951 Convention for the Protection of Refugees by Greece and Turkey after the Syrian refugee crisis.	. Βελέντζα (2020) research reveals that EU policies implemented in Turkey, which entail externalisation in third countries, lead to the dehumanisation of refugees and violate the refugees' rights
Maulana et al. (2022). Problems of implementation of international legal policies related to refugees: Ratification of the 1951 Convention and the 1967 Protocols. *Legal Brief*, *11*(5), 2767-2774.	Maulana (2022) reveals that anyone who enters any Contracting member state, the law of non-penalisation should be extended to protect the person. Because the person is 'running away' from persecution and fears.
Haertel (2022). A Non-Refoulement Exception? An Analysis of Article 33 of the 1951 Convention Relating to the Status of Refugees in Light of the General Rule of Interpretation of Treaties. *Revista Direito UFMS*, *8*(1), 7-22.	This study reveals that States faced with an influx of refugees returned refugees to COO, which contradicts the non-refoulement principle (Haertel, 2022).
Paz, M. (2023). Toward a Taxonomy of Freedom of Movement Claims: Identifying Rights-Based Pathways for Today's Refugees beyond the 1951 Refugee Convention. *Harv. Int'l LJ*, *65*, 457.	Paz's (2023) research reveals that there is a conceptual mismatch between human rights and formal law and the tools that judicial courts and other quasi-judicial bodies adopt in the adjudication of asylum cases.
Gunawan et al. (2024). Indonesia's responsibility towards Rohingya refugees: analysis of the 1951 Refugee Convention. *Legality: Jurnal Ilmiah Hukum*, *32*(2), 182-194.	Gunawan et al. (2024) research stipulates that Rohingya migrants' arrival in Indonesia does not legally bind the country to protect them. Since Indonesia has not ratified the 1951 Geneva Refugee Convention.

Source: Personal construct (2025).

5. Conclusion and Recommendations

The study explored Italy-Albania's refugee camp pact for processing asylum applications, launched to create knowledge and awareness about human rights abuse, and contravention of the 1951 Geneva Convention, as well as the European nations' asylum paradox. The study reveals that European nations, through civil solidarity, were signatories to the 1951 Convention that protected European refugees' descent. However, the 1967 Protocol, which extended refugee protection globally, led to refugees. Most refugees are non-European descendants. This made the European nations prioritise infrastructural development over humanitarian issues explains their asylum paradox. It was identified that far-right ideologies deemed the nation not on a war path to be safe, irrespective of internal conflicts, abnormal cultural practices, and LGBTQ issues. These practices are prohibited by some African cultures and tantamount to persecution and discrimination. Italy's far-right government overlooked that modern migration is no longer sparked by push and pull factors only, but rather it comprises a mixed bag. Based on that, some nations are considered safe, which means asylum applications from purported safe nations are not accepted. The study reveals that asylum seekers whose applications are unsuccessful would be repatriated, which violates their rights and contravenes the 1951 Convention Italy signed to uphold in high esteem. The study argues that, unlike in the 1950s, when humanitarian and civil solidarity were of concern to Contracting States, nowadays Contracting States prioritize infrastructural development over human rights. The study concludes that the far-right ideology's fan, Italy-Albania's refugee camp pact, violates asylum seekers' rights and contravenes the 1951 Geneva Convention. The paper therefore recommends the 1951 Convention to be re-examined to be abreast with time, since Contracting States nowadays value infrastructural development over human rights and civil solidarity. The study proposes that future research should explore decisions regarding detention and asylum claim processes in third countries on the EU asylum law.

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