



The proliferation of ‘border zones’: how Italy is preparing to implement the European Pact on Migration

With only few days to go before the implementation of the [European Pact on Migration and Asylum](#), it seems worthwhile to turn our attention once again to Italy, as a border country, and to Sicily, which over the years has become a testing ground for policies and practices increasingly aimed at hindering freedom of movement and undermining the substance of the right to asylum.

In February 2026, the Council of Ministers approved a [draft law](#) introducing provisions on immigration and international protection, as well as provisions for the implementation of the European Union Pact on Migration and Asylum. It consisted of two parts: the first introduced provisions that would come into force following the publication of the law in the Official Gazette; the second part, however, granted the Government broad powers to adopt, within six months, the legislative decrees necessary for the transposition of EU directives and alignment with new EU regulations.

In addition to introducing the possibility of a so-called ‘naval blockade’ (see “legal fragment” section), the text contained a series of measures aimed at ‘defending the borders’ and ‘preventing irregular departures’ in various areas, including: the detention of asylum seekers whilst their asylum applications are being examined; the expansion of the grounds for judicial expulsion; the establishment of an integrated surveillance system for the control of maritime and land borders; the introduction of an accelerated procedure at border crossings or in transit zones, aimed at the return/expulsion of persons arriving from third countries with asylum applications deemed “unfounded”.

Finally, in addition to providing for amendments to the Consolidated Law on Immigration regarding the withdrawal of reception and the tightening of sanctions to prevent secondary movements, the draft law established the framework for the integration of the Italian legal system with the new Common European Asylum System (CEAS), delegating the government to adopt decrees to transpose the regulations and directives provided for by the pact.

Yet, to date, the Italian government has not yet officially published the operational document containing details regarding the locations for implementing the new procedures introduced by the Screening Regulation and the accelerated border procedures, to be applied to those arriving in

Italy in accordance with the criteria introduced by the new Procedures Regulation.

About a month after the deadline set by the EU for member states to publish information, namely 11 April, [Il Manifesto](#) managed to informally view the documentation produced by the Italian government and to make the information contained therein public. In particular, this concerns the designation of certain territories as ‘border zones’ – in which the so-called “presumption of non-entry” would apply, i.e. the assumption that people present there have not yet entered the national territory – and the geographical distribution of the 8,932 places that Italy had made available for the implementation of accelerated border procedures, as part of the negotiations conducted with the EU following the approval of the Pact.



Picture: Closed in Empedocle, Mالدسا

According to the leaked document, around 4,400 places will be allocated in the “border zones” identified by the August 2019 decree, including Ragusa (356 places, of which 84 are for detention in Modica), Agrigento (150 places, of which 50 are for detention in Porto Empedocle), Crotone (841 places), Caltanissetta (564), Cagliari (340) and Brindisi (328). Additional border zones already identified in 2019 were Lecce, Catania, Messina, Matera, Cosenza, Syracuse, Taranto and Trapani in southern Italy, as well as Gorizia, Udine (1,440) and Trieste (427) in the north-east.

According to the aforementioned document, other border zones would be added to those already known, at ports where, from January 2023 onwards

and as part of the implementation of the so-called [Piantedosi Decree](#) civil rescue NGOs have been diverted, in accordance with the unjust ‘distant ports’ policy, one of the measures through which the Italian government seeks to hinder the presence of NGOs at sea.

In these locations – including Bari, Livorno, Naples, Ortona, Ravenna, Reggio Calabria, Civitavecchia, Salerno, and Vibo Valentia – Italy would make available a further 3,000 places for accelerated border procedures. To these would be added Ancona, Massa, La Spezia, Savona, Palermo, and Genoa, which are still under consideration.

Since 2019, with the [decree issued by the Minister of the Interior](#), Salvini, on 5 August regarding the “identification of border or transit zones for the purposes of implementing the accelerated procedure for examining applications for international protection,” the concept of ‘border zones’ has emerged as a key tool in the implementation of more restrictive and less protective procedures for those arriving in Italy by sea. Subsequently, in 2023, it was confirmed as an essential element in the implementation of the procedures introduced by the [Cutro Decree](#), including the detention of asylum seekers from SCOs (Safe Countries of Origin).

Yet, in the context of the legal battles that unfolded over the issue of the (lack of) ‘validation’ of the detention of asylum seekers – first before the immigration divisions of the courts of Catania and Palermo, and subsequently in Rome, the court competent to validate detentions ordered in Albania – the concept of ‘border zone’ was itself challenged.

For example, according to [Judge Escher](#) (see non-validation decision number 9375 of 17 September 2024), in the case of an asylum seeker who had landed on the island of Lampedusa – already designated by the Ministerial Decree of 5 August as a border zone, as it lies in the province of Agrigento – and who had expressed a wish to apply for asylum there (news report), it was not legitimate to detain him in the province of Ragusa, as a “border zone”, despite its designation as such in the Ministerial Decree.

Yet, according to the new provisions introduced by the pact – in particular the [screening regulation](#) – it would appear that the intention is precisely to “avoid” judicial review of these procedures. In fact, the screening regulation makes no mention of “detention”, despite the introduction of the so-called “residence requirement” for asylum seekers during screening which – if breached – would entail the implicit withdrawal of the asylum application. Furthermore, through the introduction of new selection criteria for channelling applicants into accelerated procedures – including, in addition to the [safe country or origine criterion](#), the 20% recognition threshold for protection applications – the Pact clearly aims to make ordinary asylum procedures a residual option, thereby undermining the safeguards that the right to asylum would otherwise provide.

Thus it is even more important that people on the move, who have been rescued and brought to the new “borderzone-ports” will get proper information and contacts to counseling offices and solidarity groups (see for example [W2E website](#)) – before their disembarkation.

And it remains absolutely essential to continue monitoring the territories and the procedures that will be applied in the new border zones, where the 'presence' of asylum seekers on Italian territory is 'denied' through the pretence of non-entry.

This is nothing more than a pretence: those who survive the crossing of the Mediterranean will be present, in flesh and blood, on Italian territory, and it is necessary to guarantee them access to all fundamental human rights, constitutional safeguards, and the right to asylum!

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