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22.07.2026: First Setback for CEAS

Just two days after implementation, GEAS is already hitting its legal limits. At the center of the dispute is the question of the lawfulness of the residence obligation ordered under the accelerated border procedure. A violation of this residence obligation would result in the rejection of the protection application and would mean that the person concerned is staying in the country without authorization. In a lawsuit against these provisions, [the possibility of a violation](#) of the rights of People on the Move under Italy's GEAS implementing law was established for the first time.

A Pakistani national arrived [on June 14](#), just two days after GEAS entered into force, on Lampedusa. Following the screening procedure, he was subjected, under the accelerated border procedure, to a twelve-week residence obligation at the reception center (CAS) "[Villa Sikania](#)" in Agrigento. During this period he was not permitted to [leave the premises](#).

He filed a lawsuit against this residence obligation at the end of June, whereupon a court in Palermo ruled in his favor and, at the request of his lawyers, ordered [the provisional suspension of the residence obligation](#). In July, the Court of Appeal is due to rule on [the violation of the asylum seeker's rights asserted by his lawyers](#).

According to the plaintiff's side, the regulation poses a considerable danger to the person concerned, since it "[directly affects personal liberty or, in any case, freedom of movement](#)." The Italian government and the European authorities insist on a [strict distinction](#) between personal liberty and freedom of movement. Currently, the residence obligation ordered ("obbligo di dimora") under the accelerated border procedure constitutes a restriction on freedom of movement ("libertà di circolazione") under [Article 16 of the Italian Constitution](#), but not a restriction on personal liberty ([Article 13 of the Italian Constitution](#)). Classifying it as a "mere" restriction on freedom of movement gives the police authorities considerably [greater latitude](#) and thus carries the risk of arbitrary measures. Indeed, [Italy's GEAS implementing law](#) provides for [no automatic judicial confirmation](#) ("convalida") of the residence obligation ordered during the accelerated border procedure. The measure is ordered by the competent local administrative authority (the "prefetto"/"prefettura"). It is precisely this lack of judicial oversight that lies at the heart of the Palermo court's constitutional concerns, as it doubts whether such an intensive restriction on freedom of movement, imposed without judicial involvement, is compatible with Article 13 of the Italian Constitution.

In addition, there were significant shortcomings in the preceding screening procedure, which was carried out within just [one day](#). Although the person concerned was classified as a potential victim of human trafficking, he was not classified as a "[vulnerable person](#)", a classification with significant consequences for the further course of the proceedings. The procedure also remained [flawed](#) in formal terms: the final screening report was only superficially prepared and [not translated](#), nor was the prefecture's decision on the residence obligation. Neither the [date nor the place](#) of service was noted, and there was no information whatsoever about the legal consequences of a violation.

This also constitutes a clear [violation of the duty to inform](#), since those affected are placed in a situation where they cannot adequately assess the consequences of their own actions. To enforce the application, the lawyers relied on [Article 700 of the Italian Code of Civil Procedure](#), which allows for interim measures [against imminent violations of rights](#) and thus closes existing gaps in legal protection.

The case from June 14 is thus far more than an isolated incident. It marks one of the first opportunities for judicial review and challenge of the new GEAS regulations, or, in this case, of the national implementation of the reforms. By deeming the application admissible and necessary and provisionally suspending the residence obligation, the court has implicitly acknowledged that these far-reaching restrictions have a significant impact on the freedom rights of those affected and urgently require effective judicial oversight.

