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Porto Empedocle's Hotspot and Border Procedures

Monitoring by Asgi and Maldusa

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On October 10th, 2024, a delegation from Asgi and Maldusa visited the Porto Empedocle hotspot center following a request and authorization from the Prefecture of Agrigento. This center is designated to carry out border procedures under [Article 28 bis of Legislative Decree No. 25](#)¹ of January 28, 2008, and detention conditions according to Article 6-bis of Legislative Decree No. 142/2015². The primary objectives of the visit were to monitor and verify the procedures applied to arriving migrants who are subjects of detention and the material conditions of their confinement.

In Porto Empedocle, two facilities are operational: a hotspot center for initial assistance and identification of incoming persons and an additional structure next to it dedicated to border procedures under detention conditions. This last-mentioned facility has been operational since August 2024. The coexistence of administrative detention practices with informal detention routines has manifested the hotspot to a place of informal and arbitrary deprivation of personal freedom.

During the visit, both structures were inspected; the hotspot was empty at the time. This monitoring is significant due to the restrictions on freedom of movement imposed by such facilities and due to the expansion of border detention and confinement spaces. According to [Altreconomia](#), the Ministry of Defense is planning to establish two more detention facilities in Augusta and Trapani by the end of the year.

The Hotspot Structure

Since January 18 2024, the **Italian Red Cross** (CRI) has been **managing** the Porto Empedocle hotspot under an agreement with the Prefecture of Agrigento, providing "reception, assistance, and integration services" for migrants present in the hotspot. The Porto Empedocle hotspot serves as a "selection" site and often functions as an **extension of the Lampedusa hotspot**.

At the time of the inspection, no migrants were in the facility. Representatives from the Prefecture of Agrigento, the Immigration Office of the Agrigento Police Headquarters, the Territorial Commission, and the Porto Empedocle Police Station were present.

¹ According to the provisions of Article 28-bis of Legislative Decree No.25 /2008 to the application for international protection submitted by applicants for international protection an accelerated border procedure is applied, in the two hypotheses inserted in paragraph 2, i.e. according to the provisions of lett. b) if the application is submitted by an applicant directly at the border or in the transit zones referred to in Paragraph 4, after having been stopped for evading or attempting to evade the relevant controls; and by lett. b-bis) if the application is submitted directly at the border or in the transit zones referred to in Paragraph 4 by an applicant from a country designated as a safe country of origin pursuant to Article 2-bis of Legislative Decree 25/2008. In these two cases, the procedure can be carried out directly at the border or transit zones, and the Territorial Commission decides within seven days of receipt of the application (Paragraph 2-bis of Article 28-bis).

² With the introduction of Art. 6-bis to Legislative Decree No. 142/2015, the possibility was provided that applicants subjected to border procedure, for the two hypotheses indicated, may be detained during the course of the procedure itself for a maximum of four weeks "for the sole purpose of ascertaining the right to enter the territory of the State."

As the hotspot was not operational at that time, the Immigration Office and the Minor Immigration Office within the structure were closed during the visit. The managing entity, the Red Cross, was also absent.

Post-summer, the hotspot primarily served as a **rapid transit point for people from Lampedusa** who had already undergone identification procedures. On average, about ten transfers occur weekly, both in the morning and evening, with approximately 300 people transferred per trip, depending on influx and weather conditions.

Transferred individuals undergo very rapid procedures, including medical screenings, vulnerability identification, legal briefings on asylum, and afterward a brief initial assignment of the legal status regarding a certain classification. However, these operations, constrained by the emergency management timelines of migratory flows, provoke critical reflections on the consequences of such accelerated approaches, as they may compromise attention to individual needs. Transfers, planned jointly by the EUAA, the Prefecture of Agrigento, and the Red Cross, are communicated 8-12 hours before arrival at the hotspot.

Only rarely do people spend the night in the structure: **the average stay is about four hours** but can be extended to several nights in case of independent or NGO-operated arrivals. In such cases, identification procedures are carried out on-site.

Following a civic access request on the 2nd of March 2024, the Agrigento Police Headquarters stated that the **identification and fingerprint operations**, as well as the **determination of the legal status of arriving persons**, are conducted in designated premises by operators from the Immigration Office and the Provincial Criminal Investigation Department of the Police.

The methods of the hotspot have always **involved informal and unlawful practices that deprive personal freedom during identification procedures** and sometimes, as in [Lampedusa](#) and [Pantelleria](#), even in subsequent phases until people leave the facilities. The Porto Empedocle hotspot is no exception. Regarding the possibility for migrants in this facility to leave during identification procedures and their stay, the Prefecture of Agrigento stated on March 15, 2024: *"in accordance with the [Standard Operating Procedures](#) (SOP) applicable to Italian hotspots (...), unless exceptional influxes necessitate different measures, **guests may leave the hotspot only after being fingerprinted, in accordance with current regulations**, and after completing security checks in national and international police databases."* The Police Headquarters indicated that, as hotspot practices, individuals **"cannot leave arbitrarily"** during identification phases. Monitoring reports that, although people are authorized to leave after pre-identification and fingerprinting, they are often uninformed and thus do not request to leave. Additionally, due to the short duration of the stay, leaving is inconvenient, and there is nowhere to go given the structure's isolation from the city center.

Regarding the **presence of institutions, NGOs, international organizations/associations**, or European agencies with specific mandates in the center, the Prefecture indicated the presence of Frontex and EUAA operators and ongoing dialogues with IOM and UNHCR. During the visit, various agencies, including UNHCR, Save the Children, and IOM, occasionally intervened in the hotspot. Organizations like the DIRE network, PROXIMA, and MSF (Doctors Without Borders) operate in cases of individuals with specific needs, such as survivors of sexual and gender-based violence (SGBV), trafficking victims, and shipwreck survivors.

The **structure consists** of seven dormitories, with four units of ten beds each, with a total capacity of 280 people, potentially expandable with increased sea arrivals. The Prefecture noted that *"the hotspot has housing modules and sanitary facilities dedicated to families, women, and minors."* The inspection showed indeed spaces dedicated to families, children, and unaccompanied women.

Services provided within the hotspot include:

- Meal distribution (packed meals for those subject to rapid transfer),
- Air conditioning and Wi-Fi systems,
- On-call cultural mediation (available for Arabic, Bangla, and West and Central African languages, but less for languages from the Horn of Africa, like Tigrinya and Somali).

After their stay in the hotspot, those classified as asylum seekers are directed to CAS (=Extraordinary Reception Centers) and SAI (=Reception and Integration Centre) facilities. Those who are classified as irregular are channeled into detention pathways aimed at deportation, i.e., they are transferred to CPR (=Permanent Center for Repatriation), or they receive the so-called "travel warrant" and are accompanied by bus to the Agrigento station.

The Formal Detention Facility

In August 2024, a facility was opened within the Porto Empedocle area for **conducting border procedures** under Article 28-bis of Legislative Decree No. 25 of January 28, 2008, and the **administrative detention of asylum seekers** under Article 6-bis of Legislative Decree No. 142/2015. The managing entity, present during the visit, is the social cooperative "Oltre il Mare," holding an expandable seven-month contract. The same cooperative also manages the Villa Sikaniana" reception center in Siculiana, Agrigento.

This detention facility, located next to the hotspot center, has an estimated **capacity** of 50 places (10 people per compound). At the time of the inspection, the maximum number of detainees simultaneously present never exceeded 48. The center is separated from the hotspot center by a double steel fence, giving it a strongly deterrent and security-focused character. Each container accommodates six people in bunk beds.

Regarding the detainees' **right to communication**, as monitored during the inspection, mobile phones are confiscated, with access allowed twice a day for one hour each. For other communications, the cooperative's email/certified email contact is provided. Phone booths or other telecommunication devices are not always available.

The detention center includes **offices** for individual meetings with lawyers, psychologists, social workers, and staff from the Provincial Health Company (ASP) of Agrigento, as well as four offices dedicated to hearings before the Territorial Commission (without active video recording) and the Palermo Court office. In addition, mediators and cultural mediators (2/3 for Arabic), doctors, and psychologists are present.

According to reports, medical examinations to assess the fitness for detention are conducted by the ASP of Agrigento.

At the time of our visit, there were **14 Tunisian asylum seekers**, six of them awaiting decisions on the validation of their detention and eight whose detention had been validated by the competent Court of Palermo and were awaiting decisions on their suspension requests. The primary countries of origin reported are Tunisia, Egypt, and Morocco. 90% of the detentions are non-valid. **Concerning validation procedures**³, Article 6-bis, paragraph 2 of Legislative Decree No. 142/2015 states that detention during the border procedure may only be ordered against those who have not provided a valid passport or equivalent document. Or for those who have not provided a **financial guarantee**, even while awaiting the completion of the procedure concerning the provision of the guarantee, as the amendments made by Decree Law No. 145 of October 11, 2024, say. Several individuals reportedly requested to pay bail over time to avoid detention. The managing entity considered bail payment unnecessary before the validation hearing, given the possibility of release at the hearing. Until the time of the inspection, there were two cases where the bail was paid after the validation hearing.

According to what was noted during the visit and from the analysis of [case law](#) regarding the legality of detention proceedings under Art. 6-bis of Leg. 142/2015 against asylum seekers we can say the following: **The selection of detainees within the border procedures often focuses on “circumstances” that are more likely to be approved by the Court**, for example the violation of the prohibition of re-entry under Art. 13, para. 13 of Legislative Decree 286/98. This selective criteria, which is fundamentally based on a presumption of dangerousness, is confirmed according to the monitoring and the reports from the Commissariat of Porto Empedocle. The asylum seekers that come from a “safe” country of origin with a possibility of a re-entry are sent to the detention centre. The presumption is

³ For further discussion see: [A compilation of case law in the context of border procedures implemented in Porto Empedocle, Pozzallo and Albania](#); [Detention, illegalisation and the so-called CEAS reform in southern Italy: Monitoring the situation of refugees in the light of the European migration pact](#); [Validation of detentions at the border and in Albania: a list of exceptions that can be raised](#).

,therefore, interpreted against the asylum seekers, not in favor. The request for asylum is not taken seriously and is even considered as an “instrumentalization”.

Regarding the **right to defense**, until the inspection, public defenders always intervened, except in one case. The interview is conducted online before the hearing. For an appeal against the rejection of an asylum application by the Territorial Commission, detainees are shown the Agrigento Bar Association list from the official website, including all lawyers registered for legal aid under Consolidated Law No. 115/2002. It is reported that because of the alphabetical order of the list, the same lawyer is often chosen and therefore faces difficulties in preparing the appeals under Article 35-ter of Legislative Decree No. 25/08.

The **Hearings concerning the asylum case** in front of the **Territorial Commission** sometimes occur before the detention validation hearing. In case of asylum rejection, two scenarios arise depending on the acceptance of the suspension request in the judicial appeal. If accepted, the person is transferred to a local CAS. Otherwise, they are repatriated or transferred to the CPR in Caltanissetta. It was reported that within 28 days, the Palermo Court always decided on the suspension of the appeal.

During the visit, the delegation did not access areas where individuals were actually detained. However, it was possible to speak with a detainee held for 15 days after a 4-day informal detention at the Lampedusa hotspot. This person reported the case of a compatriot who, after undergoing border procedures and being detained for 26 days, committed suicide a few days after repatriation to Tunisia from the CPR in Caltanissetta. The compatriot had repeatedly shown severe psychological distress during detention. However, his medical file was reportedly not transferred from the Lampedusa hotspot, preventing adequate psychological support. This failure, despite the presence of Red Cross psychologists and vulnerability assessment experts from UNHCR, IRC, and EUAA, shows how the detention system prioritizes legal status over individual conditions, determining human destinies.

After the inspection, another tragedy emerged: a young Tunisian, also subject to repatriation, killed himself in Kairouan, Tunisia, in early January. The man, stigmatized by repatriation and lacking support to cope with the trauma of detention in Italy, reportedly reclaimed his freedom through this extreme act. Through his own body, he embodied the much-desired yet repressed freedom of movement, expressed in Tunisian as “Harqa,” literally meaning “to burn.” This act of insubordination and rebellion symbolically encapsulates “burning (through) borders” as an extreme form of liberation.

These incidents highlight the inherent violence of the detention system and emphasize the urgent need for thorough assessment of individuals’ conditions before and during transfers to detention centers. At the very least, it has to be ensured that those who do not fulfill the criteria for detention are not unjustly subjected to it.