

**THE NATIONAL STRATEGY ON MIGRATION GOVERNANCE  
AND ACTION PLAN  
2019 - 2022**

**November 2018**

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## List of acronyms

AIDA	Albanian Investment Development Agency
AVRR	Assisted Voluntary Return and Reintegration
BoA	Bank of Albania
DAP	Department of Public Administration
DBM	Department of Border and Migration
GCM	Global Compact on Migration
IBM	Integrated Border Management
INSTAT	Institute of Statistics
IOM	International Organization for Migration
MC	Migration Counter
MARD	Ministry of Agriculture and Rural Development
MEFA	Ministry of Europe and Foreign Affairs
MoES	Ministry of Education and Science
MoEY	Ministry of Education and Youth
MoFE	Ministry of Finance and Economy
MoHSP	Ministry of Health and Social Protection
Mol	Ministry of Interior
MoJ	Ministry of Justice
MoTE	Ministry of Tourism and Environment
NAD	National Agency for Diaspora
NES	National Employment Service
ISI	Institute of Social Insurances
NSDI	National Strategy for Development and Integration
SMD	State Minister of Diaspora
SDG	Sustainable Development Goals
SOPs	Standard Operating Procedures
TCN	Third Country National
VOT	Victim of Trafficking
UMC	Unaccompanied Migrant Children

## PART I: STRATEGIC CONTEXT

### 1.1 Introduction and purpose of the strategy

#### ○ Emigration from Albania

Albania remains predominantly a country of emigration. In 2017 Albania had about 1.5 million citizens outside its territory, or about one third of the country's population.<sup>1</sup> The majority of migrant communities are present in the neighbouring countries, Italy (448 407) and Greece (356 848)<sup>2</sup>, however, with a growing trend of presence in other European Union countries as well as in North America and Canada. At the same time, the population projections indicate a long-term trend toward achieving a neutral migration balance.<sup>3</sup>

Emigration from Albania is primarily driven by economic reasons (unemployment and search for better living conditions) although other considerations have been prominent.<sup>4</sup> Two categories of persons – youth and women -- have found the situation on the local labour market particularly difficult. In 2017, young people aged 15-29 who were not employed and not attending school or vocational training made up 29.7% of total youth. Only 50.3% of women (compared to 64.3% men) were employed.

Emigration of Albanian citizens, in particular toward the European Union (EU) countries continues despite the constant improvement of living conditions in the country, a net stable growth of the Albanian economy and constant improvement of public safety.<sup>5</sup> According to INSTAT<sup>6</sup>, five factors are estimated to currently influence emigration toward the EU which include; the opportunity to work abroad (84%), family reunification (4.6%), followed by the unemployment in Albania (4.2%), opportunity to study abroad (3.5%) and other factors (3.6%). Additional pull factors are also higher quality of training and educational opportunities abroad. In turn, weaknesses of public institutions and public services, have served as “push factors”, negatively affecting migrants' efforts and perspectives to return and settle in Albania.

Another category of Albanian citizens abroad includes persons whose asylum claims were rejected or who otherwise were irregularly resident in EU countries. A recent tendency involved significant returns of migrants falling within these categories. While it is difficult to record unassisted voluntary returns to Albania due to their nature, statistics with respect to involuntary return demonstrate a decrease of returns from EU countries<sup>7</sup>. The majority of involuntary returns from EU countries and neighbouring countries have been made with repatriation operations (land and air).<sup>8</sup> For 2017 there is a significant increase in the return of unaccompanied minors. A total of 452 minors have been readmitted by the border authorities in cooperation with the State Social Service (SSS).

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<sup>1</sup> According to INSTAT, the average population in 2017 was 2 873 457 inhabitants. The difference between the data registered in the National Civil Status Register and the average population for 2017 can be estimated indirectly as an indicator of the number of Albanian citizens living abroad.

<sup>2</sup> According to UNDESA the number of Albania citizens in Greece and Italy by 2017 was 429,428 and 455,468 respectively

<sup>3</sup> By 2021, the number of emigrants should exceed between 5,000 and 16,000 the number of immigrants. This should be followed by a faster decline in the number of emigrants, leading to an almost neutral migration balance by 2030. [http://www.instat.gov.al/media/3075/projekSIONET\\_e\\_popullsis\\_2011-2031.pdf](http://www.instat.gov.al/media/3075/projekSIONET_e_popullsis_2011-2031.pdf)

<sup>4</sup> Apart from labour migrants, the main categories of emigrants from Albania include family members of migrants, or people migrating to reunite with their families abroad; students; and asylum-seekers and refugees

<sup>5</sup> According to the information, provided in the Migration Profile of Albania, 2017, Ministry of Interior, the official unemployment rate for the population aged 15 years and over was 13.7% and marked a decrease by 1.5 percentage points compared to 2016

<sup>6</sup> Data extracted from Labour Force Survey, INSTAT, 2017

<sup>7</sup> Migration Profile of Albania, 2017, Ministry of Interior

<sup>8</sup> During 2017 a total of 2,243 operations were conducted through which 13,497 Albanian citizens were returned, compared to 2016 when 2,253 operations were performed and 16,601 Albanian citizens returned.

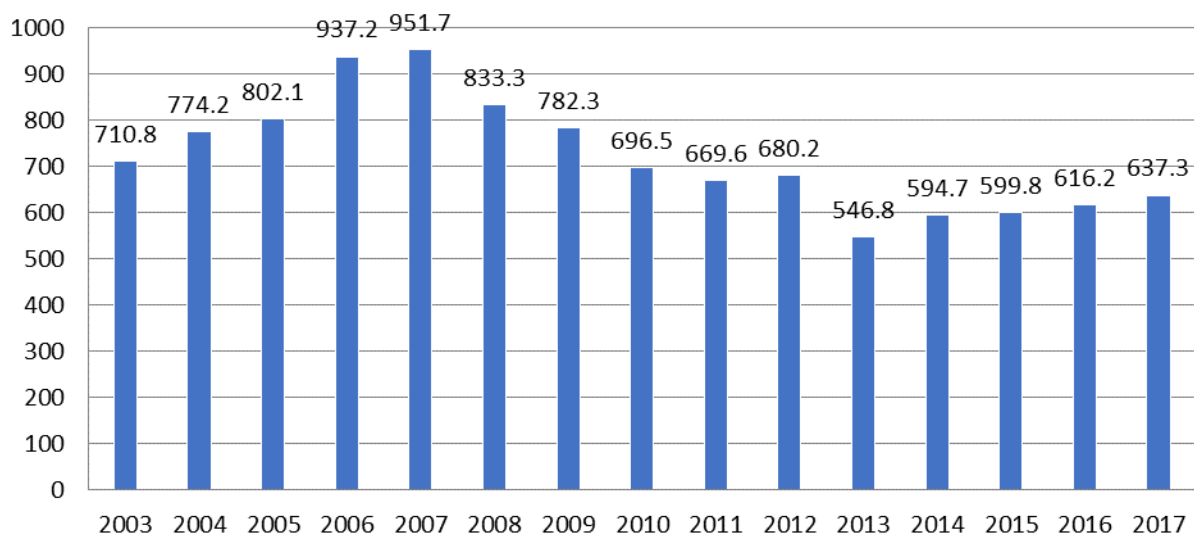
**Table 1. Albanian citizens returned by age group (2016-2017)**

YEAR	TOTAL	Male		Female	
		above 18 y.o	under 18 y.o	above 18 y.o	under 18 y.o
2016	21681	18443	978	2259	222
2017	20632	18596	382	1620	34

Source: Migration Profile 2017, Ministry of Interior, Republic of Albania

The impact of migratory movements of the Albanian population on the country’s social and economic development have been significant. Remittances have long enough helped to overcome poverty accompanying the aftermath of the communist regime for many years, and continue to make an important contribution to the Albanian economy. Although Albania continues to be heavily dependent on remittances, the inflows gradually declined during the economic crisis in Southern Europe from the peak of EUR 952 million in 2007 to EUR 547 million in 2013. Since then the levels have recovered to reach EUR 637 million in 2017 and are expected to rise further with return of growth in host countries, providing migrant households and local economies with an extraordinary and irreplaceable source of finance.

**Figure 1. Dynamic of remittances (2013-2017)**



Source: Migration Profile 2017, Ministry of Interior, Republic of Albania

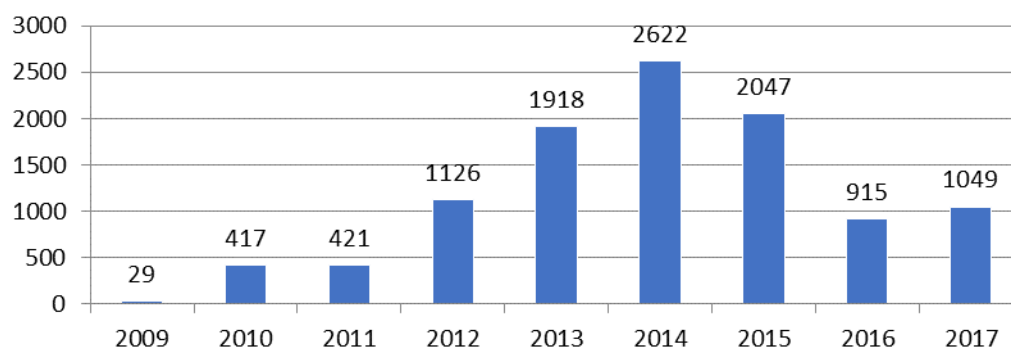
○ **Immigration and transit through Albania**

Albania is increasingly becoming also a country of destination for economic immigrants, students, asylum seekers and refugees, although the numbers, in this case, are relatively small. During 2017, the General Directorate of National Employment Service issued in total 1,705 work permits for foreigners. The largest number of work permits was issued by the Regional Employment Directorate in Tirana (651 work permits). The top countries of origin of work permit recipients in 2017 included Turkey (582 or 34% of the total work permits issued) followed by China (208 work permits or 12% of the total) and Colombia (85 work permits or 6% of the

total).<sup>9</sup> Out of 1,705 total work permits for 2017, 245 or 14% of them were granted to women and 1,142 were first-time applications.

Similar to other Western Balkan countries, Albania has also been affected by mixed migration flows which are comprised of, inter alia, refugees and asylum seekers, migrants, victims of trafficking, unaccompanied and separated children, and stateless persons. Some of them fall under more than one of those categories. They comprise diverse nationalities, the majority being Syrian and Afghan, and often enter the country without authorization. In most cases, there is at least some degree of vulnerability involved, whether it is as a result of the situation in the countries from which they fled or due to the harsh conditions or exploitation and abuse suffered along the routes.<sup>10</sup> These flows seek primarily transit in Albania before entering the European Union countries.

**Figure 2. Irregular migrants apprehended in the territory of Albania (2009-2017)**



Source: *Migration Profile 2017, Ministry of Interior, Republic of Albania*

A rapid assessment<sup>11</sup> carried out by UN Country Team in Albania in 2018 indicates a steep increase in the number of persons intercepted at the border areas – 3,088 persons were intercepted in the first six months of 2018, compared to 1049 in all of 2017. This was matched by an increase in the number of asylum requests -- 1,901 in the first half of 2018, up from 309 in 2017 (Fig. 3).<sup>12</sup> These figures are actually higher than those recorded in 2015, during the peak of the Europe-wide migrant inflow. Based on data collected from IOM for the period of Dec.2015 – Feb. 2018 there are 297 persons that have tried to cross Albanian borders more than one time (repeat offenders). The increase in asylum applications is likely to continue. The most optimistic scenario built by UNCT on the basis of analysis of increased entries and diversified roots indicate that the number of asylum applications will reach 3,000 in 2019 in a total of 6,000 entries; while the pessimist scenario indicates for a total of 7,500 asylum applications in 2019 out of a total of 13,000 entries.

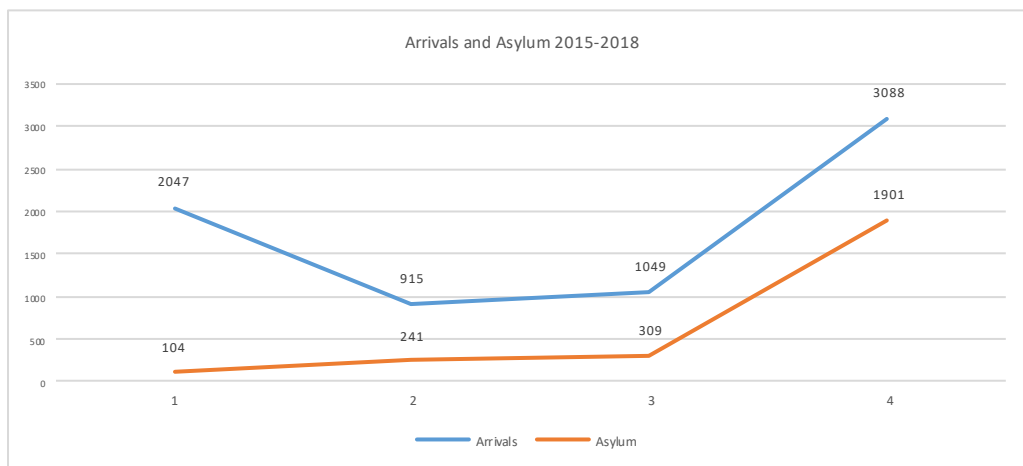
<sup>9</sup> Turkish citizens are mainly employed in the construction sector, the education and health sector, Chinese citizens in the extractive industry (mining and quarrying), while Colombian citizens in the construction sector in the professions (welder, mechanic, electrical and steering heavy machinery for the construction of gas pipelines.

<sup>10</sup> Programme of Cooperation for Sustainable Development 2017-2021

<sup>11</sup> Joint Assessment Asylum and Mixed Migration, Situation in Albania 2018; Initial Rapid Assessment, July 2018

<sup>12</sup> UNHCR data on asylum in mixed migration/Dashboard January –June 2018

**Figure 3. Arrivals and Asylum 2015 – 2018**

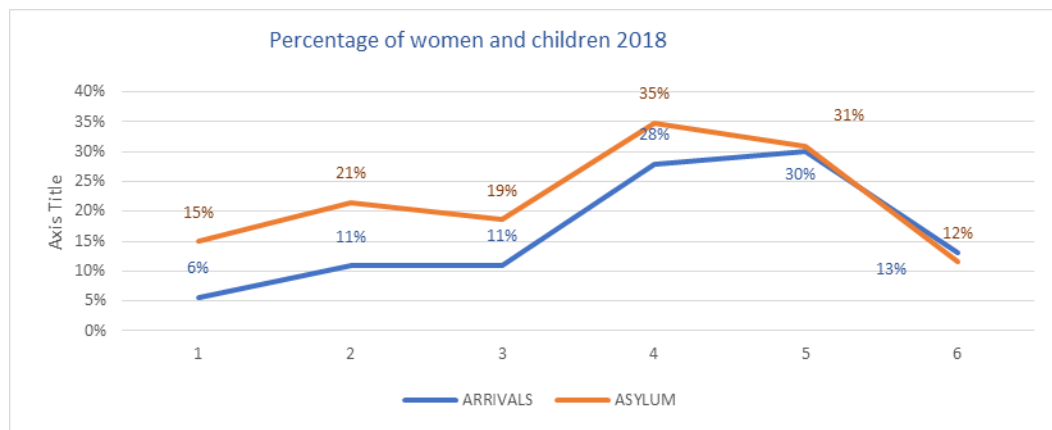


Source: UNHCR (2015-2017 official statistics by GoA/ 2018 UNHCR & GoA)

Regarding the countries of origin, in 2018, 48% of those intercepted declared to be from Syria (1338; of which 984 asylum applications) followed by other nationalities such as Pakistani (443 of which 307 asylum applications), Iraq (235 of which 151 asylum applications), Algeria (172 of which 86 asylum applications), Libya, Morocco, Palestine, Afghanistan, Yemen and Iran in less numbers.

A particularly vulnerable group consists of children – 322 children were intercepted in the first half of 2018.<sup>13</sup> While women and children account for minority of cases, an increase in this category was observed particularly from March to May (Fig. 4). The majority of women and children were nationals of Syria who applied for asylum.

**Figure 4. Share of women and children among asylum applicants**



First-time interceptions are concentrated geographically. From January to April 2018, 74% of first-time interceptions<sup>14</sup> (hereafter interceptions) were reported at the southern border, and more specifically, at the

<sup>13</sup> 272 children were referred to asylum.

border crossing point of Kakavija. In addition to that, 305 persons were apprehended exiting the country (towards Montenegro, in the Shkoder area) in the three months' period between March and May 2018.<sup>15</sup> This may be related to the fact that a new route for smuggling people from Greece via Albania, Montenegro and Bosnia to Croatia and onto Western Europe has been established.<sup>16</sup> Furthermore interceptions in the territory have increased during 2018. The most optimistic scenario build by UNCT on the basis of analysis of increased entries and diversified roots indicate that the number of asylum applications will reach 3,000 in 2019 in a total of 6,000 entries; while the pessimist scenario indicates for a total of 7,500 asylum applications in 2019 out of a total of 13,000 entries.

Irrespective of the scenario, the actors involved in the provision of assistance, services and protection will have to re-evaluate the needs, priorities and existing procedures. Such a change will have its implications on the budgetary provisions of government structures, UN agencies and NGOs involved.

- **The necessity of a cross cutting strategy on migration governance**

Maximising the benefits of migration for migrants and the societies requires a cross-cutting approach to migration governance in order to address challenges related to various migration forms (irregular migration, asylum seekers and refugees, UMC, etc.) while enhancing the development impact of migration (investment, human development, innovation, etc). The 2030 Agenda for Sustainable Development has recognized migration as an important global priority which, if properly governed, can bring positive benefits to migrants and their families, receiving and sending societies and countries at large. Furthermore, the formulation of a Global Compact on Migration (GCM) in July 2018 was a clear demonstration of the comprehensive approach and joint efforts at the global level to better govern migration. GCM is expected to provide a unifying framework of common principles, commitments and understandings amongst Member States on all aspects of international migration, including the humanitarian, development and human rights-related dimensions, while also improving international cooperation on migration. Albania is one of the countries that has set the 2030 Agenda as part of its own national priorities and has also welcomed GCM and its objectives. The decision of the Government to renew the cross-sectoral strategy on migration represents a key step in realising Albania's international commitments in the field of migration.

Furthermore, another incentive toward adopting an integrated approach to managing migration is the process of integration into the European Union. To conclude successfully negotiations for Chapter 24 (Justice, Freedom and Security) of the EU acquis, which defines migration governance as a core issue, Albania needs to formulate a cross cutting migration strategy. This requirement was also highlighted in the EU Progress Report for Albania for 2018.<sup>17</sup>

The benefits of developing a coherent migration governance policy that would guide all programmatic actions in the area of migration have been acknowledged by the Government of Albania. As of 2018, a variety of strategic documents is in place, mainstreaming some key aspects of migration governance. Since 2014 several strategic policy documents on migration were adopted, starting with the adoption of the first National Strategy on Migration and its Action Plan (2015-2010) that was followed by the Action Plans on Remittances (2007-2010)<sup>18</sup>, the Strategy on the Return and Reintegration of Albanian Citizens (2010-2015). In addition, the National Strategy on the Fight against Trafficking in Human Beings and Children (2014-2017) and Integrated Border Management (2014-2020) and their consequent action plans were approved. The more recent strategic documents include the Strategy on Employment and Skills (2014-2020), the Strategy for National Integrated Border Management (2016-2020), the National Strategy for Social Protection and Social Inclusion (2015-2020), the Strategy on

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<sup>14</sup> Numbers reported in this document on interceptions are first time interceptions. As such persons who have been intercepted in one point of Albania, and then are intercepted in another, are only counted once.

<sup>15</sup> IOM Displacement Tracking Matrix, Compilation of Available Data and Information May 2018

<sup>16</sup> <http://bih.iom.int/pbn/bosnian-police-prevent-hundreds-migrants-entering-croatia-reuters>

<sup>17</sup> Section 'Legal and Illegal migration' Pg 37

<sup>18</sup> A Memorandum of Understanding between the National Bank of Albania and the State Minister of Diaspora for institutional cooperation and coordination in the area of remittances and their productive use was signed in 2017



Agriculture and Rural Development (2014-2020), the Strategy on Business and Investments (2014-2020) and the Strategy on the Fight Against Trafficking in Human Beings (2014-2017)<sup>19</sup> and more recently, the Strategy for Diaspora (2018-2024). A major step toward achieving a comprehensive migration governance policy was the approval of the National Strategy on Development and Integration (NSDI) 2016-2020. In line with the strategic vision of NSDI, “to establish an effective migration governance system in Albania”, the Prime Ministry set up an Interagency Working Group.<sup>20</sup> The body in turn formulated the new Migration Governance Strategy for Albania, presented in this strategic document and its accompanying action plan.

The process of strategy formulation was supported by the International Organization for Migration (IOM). The strategy and action plan are guided by the Migration Governance Framework (MiGoF) which was introduced and welcomed by all IOM Member States (including Albania) in November 2015. The document sets out the essential elements to support planned and well-managed migration. As such, it is the first and only internationally agreed document outlining how migration is best governed in a coherent and comprehensive way. Importantly, MiGoF acts as the reference point for governments in developing and assessing “well-managed migration policies” under the global Sustainable Development Goal (SDG) indicator (10.7.2). To facilitate the process for formulating a new migration governance strategy in the country, the Government of Albania in early 2018 took part in the roll out of the Migration Governance Indicators (MGI) process, elaborated by IOM in conjunction with the Economist Intelligence Unit (EIU), which offered insights on policy levers that Albania can action to strengthen migration governance.<sup>21</sup>

## 1.2 Policy, Legal and Institutional Framework, Achievements, Challenges and Lessons Learned

Four domains have been identified by the Albanian Government institutions as components of a comprehensive MiGoF-based migration governance policy:

- ✚ Strategic governance of migration by the Albanian institutions
- ✚ Safe and orderly migration from, through and to Albania
- ✚ Effective labour migration policy and impact of migration on local development
- ✚ Migrant’s integration and protection of migrants’ rights

### ❖ DOMAIN 1. Strategic governance of migration by the Albanian institutions

The following areas are key to ensuring a strategic governance on migration:



#### ➤ A comprehensive legal and institutional framework on migration governance

- Alignment of national legal framework with EU and international standards

<sup>19</sup> A new Action Plan for the strategy has been prepared and is undergoing review procedures before endorsement by the Government of Albania

<sup>20</sup> Order 54, date 19.03.2018

<sup>21</sup> Since its launch, 29 countries have used the MGI to assess their migration governance structures and to inform the design and development of their migration policies. Furthermore, the aim of the MGI is to help advance the dialogue on migration governance at country regional and global levels by outlining what are the features of "well governed migration" in the context of the implementation of SDG target 10.7. Albania positively responded to the request by becoming part of the MGI assessment process by rising up its commitments to achieve the migration related targets of the Agenda 2030.

Impetus toward continued improvement of the policy framework in the last decade was supplied by the process of EU integration and parallel adoption of international norms. The mechanisms of legal approximation and monitoring of implementation have been effective in bringing greater levels of cohesion to the national legal and institutional framework in the field of migration. Major legislative changes represent milestones in this regard: the approval of the Law 9668/ 2006 On the Emigration of Albanian Citizens for Employment Purposes including two Orders of the former Minister of Labour, Social Welfare and Equal Opportunities, Order 1772/2007 of the 'On the format, content and procedure of obtaining the Emigrant Status' and Order 2086/2007 'On the format and content of the 'Registry of Emigrants and procedures of registration'; Instruction 11/2010 of the Minister of Education ' On the criteria of recognition of high schools and registration in the high school state examination for 2010'; approval of the Law 108/2013 ' On Aliens (amended), Law 121/2014 on Asylum in the Republic of Albania' Instruction of the 293/2015 of the Minister of Interior 'On the procedures for treatment of foreigners with irregular stay in Albania'; Order 1146/2014 of the Minister of Interior 'On some additions and amendments to the Order 851/2009 'On the Approval of the Standard Operational Procedures for the border and Migration'; approval of the Law 18/2017 "On Child Rights and Protection' the scope of which includes Albanian children, those with a foreign citizenship and stateless that are residing in the territory of Albania; Law 14/2016 "On the identification and registration of addresses of the Albanian citizens living out of the territory of the Republic of Albania" and Law 16/2018 'For Diaspora'. These legal acts provide for a solid legal framework that ensures protection of Albanian citizens while abroad as well immigrants in Albania. A lesson learned however in the process of advancing the legal framework is that regular reviews of the impact of main legal acts on migration governance is very important to reveal the need for undertaking legal changes that would increase effectiveness of legal measures.

The alignment of the migration legislation with the EU *acquis* and international conventions to which Albania has adhered to, continues. Albania has a very high level of ratification of international conventions<sup>22</sup> in the field of migration, however their state of implementation and impact on migrants' access to rights remains unknown. Furthermore, inconsistency of the migration terminology is seen across Albanian legislation as well as policy documents.

➤ Strong institutional capacities for migration governance

The strategic documents on migration governance adopted so far have recognized strengthening institutional capacities as essential to effective migration management. Some of the most substantial achievements in this aspect include institutional reorganization, including the complete reform of the border and migration police, the establishment of Migration Counters at the regional and local employment offices that provide services to three categories of migrants (prospective migrants, returnees, and immigrants). Another set of developments has involved the elaboration of sets of Standard Operating Procedures (SOPs), including SOPs for Pre-screening of Foreign Citizens (at the border and within territory of the country) and the National Referral Mechanism for Identification of Victims of Trafficking and Unaccompanied Migrant Children (UMC) and respective SOPs.

The lessons learned from past efforts indicate the need for further strengthening institutional ownership on migration governance through continuous learning, sharing of best practices, active involvement in the design and implementation of migration policies and programmatic actions, the advancement of legislative framework in the field of migration, regular participation in international forums in the field of migration and constant monitoring and evaluation of the achieved progress.

A key factor conducive to ensuring institutional ownership is the clear allocation of roles and responsibilities of institutions under migration governance at the central as much as at the local level. Progress in this area has

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<sup>22</sup> Albania has ratified the following Conventions in the field of migration: International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW)- 2007; Convention relating to the Status of Refugees- 1992; Convention on the Rights of the Child (CRC)-1992; ILO Migration for Employment Convention (Revised), 1949 (No. 97)-2005; ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) -2006; Conventions on Statelessness-2003; European Convention on the Legal Status of Migrant Workers-2007; European Convention on the Participation of Foreigners in Public Life at Local Level-2005

been achieved, in particular, at the national level, where there is clear division of competencies among several Ministries responsible for managing various aspects of migration governance (Ministry of Interior, State Minister for Diaspora, Ministry of Finance and Economy and subordinate institutions).<sup>23</sup> Nevertheless, there is a need to clarify the way in which migration-related policies and measures are going to be implemented in the wake of the institutional changes carried out in September 2017, which resulted in the merger of some ministries and extension of the portfolio of the new ministries.<sup>24</sup> For instance, it is necessary to clarify roles, responsibilities and expectations among the central and local government, with regard to assistance to UMC. Furthermore, there is a need to formalise migration related tasks of various government agencies under specific ministries (such as the Migration Counters at the National Employment Service) as well as to strengthen institutional capacities to run migration related tasks (address staff turnover, lack of funding, need for knowledge and on the job training).

Another key factor for enhancing institutional ownership is the good institutional coordination at the central and local level for implementing migration related policies. As part of the implementation of the first Migration Strategy, an Inter-ministerial Committee on Migration, chaired by the Deputy Prime Minister, was established as an advisory body to the Council of Ministers.<sup>25</sup> However, this body was convened only once. Another body, facilitating inter-ministerial coordination, the Technical Committee on Migration, was established in 2007.<sup>26</sup> Chaired by the former Minister of Labour, Social Affairs and Equal Opportunities, the Committee was in charge of coordinating and monitoring of the implementation of the National Strategy on Migration and its corresponding Action Plan (2004-2008) composed of representatives from all ministries and institutions involved in the implementation of the National Action Plan on Migration. The Committee was assisted by the Migration Directorate within the former Ministry of Labour that acted as a secretariat. The record of the Committee shows that the establishment of a coordination body expedited the implementation of the policy documents and reporting.

The absence of a high-level coordination mechanism on migration governance has limited the Albanian Government's capacity to address migration-related issues from a holistic approach and provide strategic guidance in all future challenges with respect to migration. However, work is currently ongoing at higher decision levels of the Government of Albania on establishment of a thematic working group on migration that would coordinate the work of all ministries in this field on both strategic and technical levels, facilitating reporting and monitoring of progress in fulfilling EU accession requirements.

Another basic prerequisite for implementing the provisions of a strategic document is ensuring sufficient funding matching its priorities. This aspect proved to be a challenge with regard to the execution of the first Action Plan on Migration and the Reintegration Strategy. Nevertheless, the implementation of these strategic policy documents (as well as others) indicated the great potential of partnerships with the private sector and civil society organizations in supporting the implementation of the policy provisions and actions and in securing also donor funding.

### ➤ **Effective migration data collection, analysis and sharing**

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<sup>23</sup> The Ministry of Interior through several structures such as the State Police (Border and Migration Department), Directorate for Asylum, etc. is the main authority responsible for overseeing national border control, the management of immigration and integration of foreigners as well as for coordinating efforts against trafficking in human beings at the national and local level and with all stakeholders. The State Minister for Diaspora, is responsible for designing and monitoring the implementation of the Diaspora policy in coordination with other line ministries; The Ministry of Finance and Economy is the responsible Ministry for governing labour migration in the country in cooperation with other ministries (setting up and implementing labour migration schemes, along negotiating and implementing bilateral and multilateral labour agreements); it also monitors the functioning of recruitment agencies to ensure an ethical recruitment of migrant workers; it also oversees the work of the National Employment Service including Migration Counters; the Ministry of Health and Social Protection supervises the work of the State Social Service which provides crucial services for vulnerable categories of population, including migrant ones such as Victims of Trafficking and unaccompanied migrant children (UMCs). The Statistics Institute is responsible for collecting, analysing and sharing administrative data as well as research data on migration.

<sup>24</sup> EU progress Report for Albania, 2018

<sup>25</sup> Prime Minister's Order No. 115, dated 11 May 2006

<sup>26</sup> Decision of the Council of Ministers No. 425, dated 11.7.2007

Adequate migration data collection, analysis and sharing has been at the core of designing and monitoring effective policies on migration. At the same time, challenges have been faced in this area as well. These include on the one hand the quality of data, stemming from lack of standardisation of administrative data collection coupled with few migration research studies that would enable the decision-makers to assess the impact of the migrant flows and come up with reliable forecasts. Lessons learned from implementation of the previous and current migration related strategies emphasize the need for in-depth research and analysis on the impact of migration in particular in the labour market of Albania and population growth/decline.

Data generation, analysis and sharing have been made difficult by insufficient funding as well as inadequate capacities of responsible central and local institutions in this regard. These shortcomings were partly addressed through improvement of the Interinstitutional cooperation on data collection and analysis with the establishment of an Inter-Agency Working Group that prepares the Annual Migration Profile for Albania as stipulated in the Law on Aliens.

### ➤ **Strong partnerships on migration governance**

Sustainable and fair migration policies are developed in partnership with a wide variety of stakeholders, both national and international. On the national level, the close cooperation between the Government institutions and civil society actors has been crucial to designing comprehensive policies on various aspects of migration (such as the National Strategy against Trafficking of People and the Action Plan 2018-2020, through the National Coalition of Anti Trafficking Shelters (Non-for Profit Organisation) and the National Diaspora Strategy 2018-2022). The role of non-state actors (NGOs, private sector) in the implementation of the policies, however, has been limited and had an ad hoc character.<sup>27</sup> Migrants themselves have been consulted throughout the process of developing the Migration Strategy of 2005, the Action Plan on Remittances, the Diaspora Strategy, etc. A lesson learned from the past involvement is that it is crucial that the Government institutions identify ways for strengthening and formalizing collaboration with migrant communities, with the private sector and civil society - in both countries of origin and destination- when designing and in particular when implementing migration policies in order to maximise impact of policies on the population (including migrants).

With respect to international partnerships, Albania actively participates in several regional and international migration consultative processes such as the Budapest Process and Prague Process. It is also part of various initiatives promoting labour mobility, more effective management of migration flows in the region, border security, free trade, and development and security. These include regional initiatives such as the Migration, Asylum, Refugees Regional Initiative<sup>28</sup>; the Regional Cooperation Council<sup>29</sup>; the South-East European Cooperation Process<sup>30</sup>; the Southeast European Law Enforcement Centre; the Southeast European Cooperation Initiative; the Central European Free Trade Agreement<sup>31</sup> the Central European Initiative; and the Adriatic Ionian Initiative<sup>32</sup>. Albania is also a party to various memorandums of understanding (MOUs) and agreements related to migration with other countries on, for example, irregular migration, counter-terrorism, organized crime, illicit trafficking of narcotic drugs, exchange of information on migration and control issues and asylum issues. In addition, Albania has engaged in bilateral cooperation with major countries of destination for its nationals. Negotiations are currently under way with Germany and France for the exchange of information on asylum and migration. Cooperation with countries such as the United Kingdom, Italy and Greece is also ongoing with respect to data and information exchange, return procedures, border control and assistance of victims of trafficking. The increased international cooperation in the field of migration dictates the need for undertaking a thorough review of the existing agreements and commitments to assess their level of implementation and to draw up

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<sup>27</sup> For instance, private sector acted as sponsors for services to migrants (particularly victims of trafficking), setting up businesses.

<sup>28</sup> Albania held the presidency of this initiative from April 2010 to April 2011

<sup>29</sup> Albania is a member of the board

<sup>30</sup> Albania held the presidency from June 2014 to June 2015

<sup>31</sup> Albania chaired this during 2012

<sup>32</sup> Albania held the chairmanship of this from June 2013 to May 2014

important recommendations that can guide their future implementation as much as future cooperation processes with other countries.

## ❖ DOMAIN 2. Safe and orderly migration

The following five areas are key to ensuring safe and orderly migration:



### ➤ Control of irregular movements at the country's borders and within the territory

This represents an area with major achievements over the last decade due to constant improvements in the border infrastructure, enhancement of border guard capacities to detect, apprehend and screen migrants at the border and within the territory as refer them to adequate services. Albania's border management information system, called the "Total Information Management System" (TIMS) and the Foreign Electronic Registry (FER)<sup>33</sup>, enable monitoring entry and exit movements to and from the country, as well as visa overstays. The Law on Aliens as well as the Law on Asylum and their bylaws are the key legal acts that regulate the procedure for pre-screening of foreigners which aims at differentiating among various categories of migrants, such as asylum seekers, unaccompanied minors, victims or potential victims of trafficking and undocumented migrants, in order to provide the needed assistance as relevant. In addition to the legal basis focused on asylum and migration, two legal acts, namely Law on the Rights and Protection of Children no. 18/2017, and Law on Social Services no.121/2016 envisage specific protective measures for children and persons in need of protection/vulnerable categories.

To ensure that Albania attains EU levels with regard to border control, prevention and control of irregular migration while safeguarding migrants' rights the following areas need further improvement.

- Border infrastructure

Albania should continue to modernize border management equipment and infrastructure to strengthen border surveillance, including the green and blue borders. An improved infrastructure and organization of service at crossing points (dedicated lanes, access to information) would result in the reduction of the waiting time and

<sup>33</sup> FER-TIMS is composed of some modules like "E-Permission of Stay", "E-Visa", "Irregular foreigners in the territory" which contain information on foreign citizens that receive Albanian visa, permission of stay, or are irregular in the Albanian territory including some biometric data. The two systems FER-TIMS replicate and exchange data among each other.

would address specific needs of migrants with special needs such as children, the elderly and persons with disabilities. Furthermore, there is a need to ensure access to information on the phases of pre-screening process, in addition to human rights of undocumented foreigners in general, and of vulnerable categories such as unaccompanied minors, victims of trafficking and asylum seekers, in particular. Information can be made available through printed materials and translation services at the borders and within territory. Provision of translation services in particular at the border needs further improvement as it may hinder the provision of necessary protection in particular to minors (both unaccompanied and separated minors) and females (as the only way to understand whether there is a case of a victim-potential victim of trafficking. Adequate budget allocation for translation services along enhanced cooperation with international partners in the field of migration (such as IOM, UNHCR, etc) may address the shortcomings in the provision of translation services<sup>34</sup>.

- Enhancement of border guard organization, training and deployment

Strengthening national and local capacities and dedicating adequate resources for the effective processing of migrants is crucial for ensuring adequate treatment and respect of human rights, including *non refoulement* and identification and referral of vulnerable cases to protection services made available in Albania. While progress in this respect has been ongoing over the last years, there is still a need to adequate plan human resources at Department for Border and Migration (DBM) within the Albanian State Police in line with analysis of changing trends in irregular entry and transit and to monitor further needs for reallocation, based on risk analysis. The need for formally appointing substitute pre-screening specialists to be involved in cases of fluxes of undocumented foreigners is increasing. As a result, it is necessary that the by-laws on pre-screening formally envisage that in cases of fluxes, other border and migration officers, trained in pre-screening will have the mandate to be involved in pre-screening procedures. In addition, the efforts to mainstream gender in border police by encouraging women's participation in border policing and ensuring relevant training for all personnel shall continue. The increase in immigrant flows has revealed the need for continuing training of border guards and management personnel by the Police Training Department at the State Police<sup>35</sup> and for ensuring that it is based on good practices and European standards, such as the European Border and Coast Guard Agency (Frontex) Common Core Curriculum. A basic training on pre-screening procedures, on the rights and procedural guarantees for vulnerable categories such as minors, victims (and potential victims) of trafficking, and asylum seekers should also be conducted for all Border and Migration officers acting as substitute in pre-screening process.

### ➤ **Effective entry and stay policies**

The visa policy plays an important role in reducing the incidence of irregular migration to Albania. Albania has in place the E - Visa system, used to register all foreign nationals applying for a visa when entering Albania. The system is operational within TIMS System and it allows for the whole application process to be completed online. The EU progress report for 2018 recommends that Albania gradually aligns its visa policy with that of the EU, which requires compliance with the EU lists of countries whose citizens require a visa and those who are exempted.<sup>36</sup> To this aim Albania could benefit also from launching a mechanism of direct access to electronic records of past visa application and migration history for applicants that could be used to screen out cases of past denials of a visa or of entry or of violation of terms of a visa through use of automatic alerts.

Another instrument that helps minimize cases of irregular stay and transit is the continued application of targeted checks and effective use of measures for irregular stay. Albania needs to bring its migration controls in full alignment with EU practice through close observation of the criteria and procedures for application of a standard set of measures in cases of proven violation of legality of stay of non-nationals: termination of a

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<sup>34</sup> Needs assessment of the front-line officers involved in the pre-screening process, OSCE, 2018 (unpublished)

<sup>35</sup> This is an administrative and management structure designed to guide all aspects of training in which started operating in July 2007. This Department is focused on the development and continuous development of the skills of State Police employees, based on the standards and experience of developed countries. Trainings are done in accordance to the role, rank, function, and responsibilities carried by the State Police. Trainings include ethical aspects, knowledge of the law, language requirements, etc.

<sup>36</sup> It is, for instance, expected that temporary visa exemptions, as those applied in the summer months toward several non-EU countries, are terminated.

visa/residence permit, voluntary return with temporary re-entry ban, removal order, and expulsion. In particular, it needs to standardize the rules of evidence, duration of the procedure and mechanisms for inter-institutional cooperation. NSDI has set up some key targets with respect to preventing and reducing cases of irregular migration and foreign citizens seized in the territory of Albania with irregular documents through carrying out of accurate risk analyses, deployment of forces to the most affected areas and the provision of modern equipment to prevent irregular migration. These measures aim to reduce levels of irregular migration in such a way as to achieve:

- An increase in the detection rate and elimination of irregular migration to 87% by 2020 (from 70% in 2014);
- The reduction of cases of irregular migration and foreign citizens seized in the territory of Albania with irregular documents by 27% more in 2020, as compared to 2014; and
- The monitoring of migration flows through monthly and annual risk analysis in line with FRONTEX<sup>37</sup> standards.

To reach these targets, border and migration authorities will need to apply periodic risk analyses, taking into account changing places of concentration of irregular migrants and evolving modus operandi of facilitators. These measures are essential for effective planning and monitoring of effectiveness of inspections of legality of residence. Furthermore, it is important to equip all police officers with real-time access to data on current residence status of foreigners in order to detect cases of overstay or violation of terms of stay.

#### ➤ **Effective return mechanisms for irregular immigrants**

Readmission is one of the mechanisms utilised by Albanian authorities to return to the country of origin Albanian citizens with an irregular stay in destination countries as much as immigrants with an irregular stay in the country. Albania has signed bilateral readmission agreements with several countries as well as with the European Union which includes also a clause on third country nationals (TCNs). The readmission agreement with the EU is being implemented in a satisfactory manner, with Albania swiftly processing readmission requests from Member States. With respect to return and readmission of third country nationals, the key issue is swift and effective identification. The procedure involves initially the pre-screening of bio-data, collection of fingerprints and photo<sup>38</sup>, followed by the interview on the reasons for the arrival to Albania and circumstances under which they left their countries. The persons are then referred to the asylum system, returned back to the country of transit or referred to the closed reception centre for irregular migrants. Quick and efficient cooperation with embassies and border and migration services in the countries of origin on fast identification of foreign citizens and return procedures will be needed in the future.

An area of concern is the arrangement for returning third-country nationals into Greece. The absence of a Protocol for the implementation of the EU-Albania Readmission Agreement with Greece has been identified as a need in several policy and institutional assessments and reports.<sup>39</sup> Negotiations on readmission agreements are being conducted with a number of countries of origin including Russia, Morocco, Afghanistan, Iraq and Iran. Other challenges identified by the authorities with respect to remission of third country nationals so far include limited reception capacities at the border points, limited reception facilities for Unaccompanied Migrant Children (UMCs), insufficient staff training, limited funding for return to the country of origin as well as translation challenges.

Voluntary return is another preferred return mechanism for immigrants with an irregular stay utilised by the Albanian authorities because it ensures a dignified and assisted return for the migrant to the country of origin.

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<sup>37</sup> Frontex promotes, coordinates and develops European border management in line with the EU fundamental rights charter applying the concept of Integrated Border Management

<sup>38</sup> Finger prints and photos are only taken to adult (above 18 years old) migrants.

<sup>39</sup> Migration Governance assessment report, 2016, IOM; UNCT Rapid Joint Assessment on Migration and Asylum , 2018, EU Progress Report for Albania, 2018

Nevertheless, the number of assisted voluntary returns from Albania during the last 5 years has been insignificant.<sup>40</sup> The majority of those who were apprehended during the last 5 years entered irregularly through Greece as the transit country. According to DBM, the foreigners expressed their interest to return voluntarily to Greece, as the country where they sought asylum, and not to their country of origin. Consequently, the number of those who asked authorities for assistance to return in the country of origin has been limited. This might have also been due to the lack of information about the assisted voluntary return scheme among undocumented migrants.

There are not standard procedures in place regarding the process of assisted voluntary return from Albania, whereby irregular migrants are counselled about AVR. In the lack of standard procedures, or of a protocol on assisted voluntary returns, the process starts only when there is a declaration from the individual. In addition, when the foreigner is subjected to forced removal order, there are operational difficulties<sup>41</sup> to change the order to that of assisted voluntary return and to involve other partners (such as IOM<sup>42</sup>). Assisted Voluntary Return of unaccompanied minors proves to be particularly challenging. This is for several reasons, including the lack of adequate accommodation, difficulties to establish best interest of the child determination due to difficulties to reach authorities/families/custodians in the countries of origin in cases when the latter are in war zones. At the time this document was drafted, a decision of Council of Ministers on Return and Readmission of Minors was under process of elaboration. The decisions, expected to be approved in the end of 2018, regulates in details the procedures for treatment of unaccompanied minors, their accommodation and return to the country of origin, if and only when return is in the best interest of the child, and with the assistance of the relevant Albanian authorities.

A need for increasing human resources that deal with voluntary return has been identified as well, to deal with the demands of the process of assisted voluntary return, which involves both operational and procurement procedures, currently handled by officials already responsible for readmissions. An increase in staffing might be necessary if the number of AVR rises. In particular, a designated officer on voluntary and assisted voluntary returns might be considered as necessary, which would ensure due emphasis to the AVR process.

### ➤ **Efficient response to irregular migration of Albanian citizens in EU**

Ever since Albania obtained a visa-free regime with the EU (Schengen area) in 2010, the Government continues to fulfil the visa liberalization benchmarks. These efforts have helped lower the scale of unfounded asylum applications lodged by Albanian citizens in EU Member States and Schengen-associated countries. The number dropped by 20% from 31,737 applications in 2016 to 25 528 applications in 2017. In January 2018, France registered 720 asylum applications and Germany 300, respectively 30 % and 52.7 % less compared to January 2017. In line with the commitments reached with the EU, further improvement of the implementation is expected in addressing the root causes of the irregular migration. Albania intensified its dialogue with the most affected Member States and in June 2017 the government adopted an action plan to prevent asylum abuse in EU and Schengen countries. In parallel, bilateral agreements were reached with the destination countries. In December 2017 Albania signed an agreement with France on strengthening operational police cooperation and regulating the deployment in France of four French-speaking Albanian police officers who are currently supporting the dismantling of criminal organizations of Albanian origin, including those involved in organizing asylum seekers' journeys to France.

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<sup>40</sup> Albanian Legislation and Practice on Assisted Voluntary Return, 2018, IOM

<sup>41</sup> For changing the order there is need for the presence of the pre-screening specialist, who can be from the distant regional border and migration departments. Their presence in due time is not always feasible because there is only one pre-screening specialist in the regional departments, who must be present in their position to conduct their task, and cannot travel towards the detention center where the foreigner is being kept. Given such technical difficulty, in practice, the border and migration authorities do not amend the expulsion order and do not delete the entry ban that accompanies it.

<sup>42</sup> IOM cannot be involved in assisted voluntary return in cases when a foreigner is subject of removal order



To reduce the risk of unfounded asylum applications, the country has also put in place additional temporary operational measures. These include tighter checks at border crossing points, more thorough exit interviews and information campaigns targeting prospective travellers. Stricter controls upon departure resulted in an increase of exit denials: in all of 2017, 12,403 Albanian citizens were refused permission to exit Albanian territory at border crossings (10,796 adults and 1,607 minors), as many as 3,307 (3,061 adults and 246 minors) persons were prevented from leaving the country in the first two months of 2018.

Lessons learned so far from the application of visa liberalization regime dictate the need for further strengthen institutional efforts to tackle the phenomenon of unfounded asylum applications and address the ‘push factors’ behind it. It is necessary to further intensify close cooperation with countries of destination, including provision of awareness-raising and socioeconomic support for prospective migrants and returnees based on an accurate analysis of their needs and geographical areas affected. The awareness-raising campaigns should be better targeted to potential asylum seekers. The Migration Counters established across the country continue to provide support to those returning to Albania as well as to prospective migrants, yet their capacities for information provision need to be strengthened. In addition, it is recommended that the cooperation between DBM and municipalities on provision of assistance for readmitted Albanian UMCs is formalized in particular in border areas. Considering that lack of life opportunities and education are among the key reasons for emigration of UMCs from Albania the design livelihood programmes for youth can address the specific push factors to emigration and contribute to local community development in the regions of origin for UMCs.



### **Management of mixed migration flows**

Analysis of the changing migration trends in Albania’s neighbourhood strongly implies the need to strengthen the country’s capacity for reception of a larger number of migrants. In this context, close follow-up of the trends in migration pressure remains crucial, including early warning signs of potential increases. Recent dynamics suggest the need to pay particular attention to arrivals from Greece, hosting currently 58,100 refugees and asylum seekers in Greece, of which 39,500 reside in the mainland. The numbers are rising as in the first six months of 2018, another 13,717 refugees and migrants arrived in Greece by sea while 7,343 new migrants and refugees were registered, which is a 67% increase compared to the 4,407 reported in the same period in 2017<sup>43</sup>. Asylum seekers arriving from Greece and interviewed in Albania, refer as causes for onwards movement the lengthy asylum procedures in Greece, inadequate reception conditions at the mainland and in the islands, and their willingness to reunify with family members in EU Members States. Hence, if these factors do not improve, including reception conditions and asylum procedures, refugees and migrants will increasingly look for alternatives. The options are either crossing irregularly land borders in the Former Yugoslav Republic of Macedonia and Albania, as it has been the case since 2015, or trying alternative sea routes which has not been an option until now. It is therefore necessary to continue ensuring the effectiveness of border controls at the exit and entry points, and to periodically update the profile of the refugees and migrants arriving in Albania, including on the reasons why they intend to transit through Albania and their future intentions. Moreover, it is recommended to enhance availability and flexibility of pathways for regular migration; and strengthen international cooperation and global partnerships for safe, orderly and regular migration to address the root causes of irregular migration.

In 2015 Albania developed the first Contingency Plan for Response to Mixed Migration Flows, which needs to be replaced with a new version that would take into account the increase on the number of arrivals/interceptions of migrants and particularly asylum requests in Albania.<sup>44</sup> All actors involved in the provision of assistance, services and protection should re-evaluate the needs, priorities and existing procedures. Such a change has its

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<sup>43</sup> [https://www.iom.int/sites/default/files/dtm/europe\\_dtm\\_201803.pdf](https://www.iom.int/sites/default/files/dtm/europe_dtm_201803.pdf)

<sup>44</sup> The share of foreign nationals who placed asylum applications upon arrival doubled from 33% in 2017 and prior years to 66% in the first half of 2018.

implications on the budgetary provisions of government structures, UN agencies and NGOs involved. The following challenges<sup>45</sup> need to be addressed by the new Contingency Plan:

- *Access to safe and dignifying accommodation*

The rise in the number refugees and migrants has triggered the need for increasing reception capacity in Tirana and the borders. The total reception capacity available in the country is 400, which has been sufficient given the transit nature of the movement, but would be overstretched if the number of persons staying rises.<sup>46</sup> There are no specialized shelters for women and children at risk and referrals to the residential care centres managed by the Ministry of Health and Social Welfare have proven challenging for foreign citizens. In this regard, a network of temporary/emergency reception centres could be established at the border in coordination with key Municipalities, UN agencies and NGOs to ensure provision of specialized services to those most in need. In addition, it is recommended to enhance the coordination between the NRCA, CRCIM, the emergency shelters for survivors of domestic violence, children at risk and VoTs.

- *Child Protection*

Unaccompanied and separated children are generally referred and accommodated in the National Reception Centre in Tirana with the adults that they travel with. Individual interviews of children at the border are not carried out, unless children are immediately identified as unaccompanied. Interviews carried out with accompanied children are reported to be conducted in the presence and as part of the whole family or group of adults even when their relationship is not certified, which in effect limits the capacity of the pre-screening interview to properly identify UMCs who do not declare themselves as such. Lack of comprehensive assessments, case management and referral mechanisms also means that children have not had access to services that they may need such as psycho-social support.<sup>47</sup>

- *Women at risk*

The procedure for identification, referral and case management of victims of trafficking is solid and well established in the country. However, it has only been tested for foreign citizens once in the last two years. Among foreigners, only victims of trafficking are legally entitled to residential care services provided by the Ministry of Health and Social Protection. In turn, to properly address the issue of sexual and gender-based violence (SGBV), dedicated services need to be allocated to cater to migrant, asylum seeking or women refugees. The urgent issue is the ability to identify victims of SGBV, which is currently hampered as pre-screening interviews do not provide sufficient information for identification of cases. Another challenge is the limited technical capacity to identify survivors of gender violence or victims of trafficking by NRCA, the authority that hosts women and girls who have applied for asylum at the border. Identification is further complicated by the insufficient period of stay of women and girls at the centre (7-10 days) due to the transit nature of the movement.

- *Health*

Regional BMP, Social Services and NGOs dealing with migrants coordinate actions on a case-by-case basis, but their collaboration is not formalized. In addition, contingency plans for management of emergency situation related with refugees and migrants are missing.

- *Data management*

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<sup>45</sup> As identified by The Rapid Joint Assessment on asylum and mixed migration; Satiation in Albania, 2018 undertaken by the UN Country Team in Albania

<sup>46</sup> The National Reception centre for Asylum Seekers in Tirana can accommodate a maximum of 180 persons. In addition, at the southern border, 75 persons can be accommodated temporarily at the Municipality centre (15 persons) and the Centre for Registration and Temporary Accommodation for irregular migrants managed from the BMP (60 persons). Furthermore, a facility at the border with Montenegro was put at the disposal of the Mol by Caritas Albania and can accommodate up to 120 persons.

<sup>47</sup> Adoption of the Council of Ministers Decision on 'Return and Readmission of Unaccompanied Minors', is expected to establish clear mechanisms and procedures for case management of unaccompanied minors, both foreigners and Albanians. The Decision shall stipulate that the border and migration police handle unaccompanied minors to the regional Child Protection Unit that is responsible for providing shelter and any basic need to the child, appointing a legal custodian and psychologists.

The IOM Displacement Tracking Matrix (DTM)<sup>48</sup> has been widely utilised by the Government authorities in many countries including Albania, for tracking and monitoring the displacement and population mobility. It is designed to regularly and systematically capture, process and disseminate information to provide a better understanding of the movements and evolving needs of displaced populations, whether on site or en route. In addition to being systematically deployed in medium to large-scale humanitarian response operations, DTM has also proven to be highly effective as a preparedness tool, as well as in support of the recovery and transition phase of the response. Integrating DTM into capacity building activities, mapping of potential evacuation and displacement sites, and setting up the DTM to be ready before a disaster occurs are some examples of how the DTM can be employed as an effective preparedness measure. Proper tracking of migrants requires that all relevant institutions (Directorate for Asylum, Border and Migration Police, NRCA, and CRCIM) have access to a common information management system. This is currently limited as the Directorate cannot modify records in the Foreign Electronic Register (FER), which is the sole competence of the Border and Migration Police. In turn, border Officials in charge of pre-screening can access FER and register new cases, but cannot modify existing records even if fingerprints of the individual are found to match. This leads to lengthy processes of data cleaning, inconsistencies between different directorates within the MoI and double counting.

### ❖ DOMAIN 3. Effective labour migration policy and enhanced positive impact of migration on national/local development

The following elements are key to ensuring an effective labour migration policy for Albania and for enhancing the positive impact of migration in the national/local development:



#### ➤ Effective labour migration policy framework

In the existing policy framework, labour migration is considered as part of *labour resources management*. The National Strategy on Employment has mainstreamed migration throughout its strategic objectives which are geared toward promoting *quality jobs and skills opportunities for all Albanian women and men*. The Strategy has set as one of its strategic objective *fostering* decent job opportunities, and to achieve this, specific needs of Albanian returnees and migrants will be taken into account during the development, implementation and monitoring of national employment policies. Three years from the starting day of implementation of this

<sup>48</sup> DTM is comprised of four distinct components:

- **Mobility Tracking:** regularly tracks cross-sectorial needs and population movements to target assistance in locations of displacement or in locations of origin or possible relocation sites to support sustainable solutions to displacement;
- **Flow Monitoring:** tracks movements of displaced populations at key transit points when locations of origin are not accessible and displacement is gradual;
- **Registration:** individual and household level information used by site managers for beneficiary selection, vulnerability targeting and programming;
- **Surveys:** gathers specific information through population sampling, in regard to return intention, displacement solutions, community perception, and other thematic information in relation to displacement.

strategy, the need to undertake a comprehensive assessment to assess the extent to which this objective has been already achieved, has been identified.

While planning, designing and monitoring future employment policies, it is necessary to examine the impact of migration of Albanian citizens (including emigration and return migration) and foreigners on the national labour market (be these migrant workers or asylum seekers/refugees). A forecast of the upcoming labour market needs is essential to tackling the challenges related to the fast decline of population due to low fertility rate, accompanied by steady emigration flows from Albania. This is vital for ensuring that the national labour market will not suffer major challenges and to maintain a good social security system.

A strategic objective of the Government remains strengthening the *governance of the labour market and qualification systems*. The labour migration tasks/responsibilities are distributed among various ministries and subordinate agencies which have also been affected by the government reshuffle in 2017 as well as changes within internal structures of ministries (such as the changes in the structure of the Ministry of Finance and Economy). This makes it a necessity carrying out an assessment of available human, financial and information resources in institutions responsible for implementing labour migration tasks assigned under current legislation to identify gaps and needs for investment. Furthermore, there is a need to determine the role and operating capacities of Migration Counters within the overall scope and responsibilities of the National Employment Service to enhance the implementation of migration policies.

Over the last four years the Ministry of Economy and Finance (MoFE) has successfully carried out annual analyses of skills needs in the Albanian market each year to plan vocational education and training delivery and to prepare specialists who are in demand not only in Albania, but also internationally.<sup>49</sup> Another key policy measure has been the capacity development for policy makers to recognize skill gaps and gender inequalities in the national labour market and to elaborate respective measures promoting skill transfer from other labour markets.

Furthermore, the Strategy envisions designing and implementing Skills Transfer Programmes on the basis of sectoral skills forecasting and cooperation agreements established with other SEE countries. The latest skills needs assessment report<sup>50</sup> for Albania indicates that than one-third (39.9%) of enterprises stated that their existing staff lacked skills, a figure more than double that reported in 2014. Water supply, sewerage and waste, and mining and quarrying are the sectors suffering the most from a lack of relevant skills among current employees. The predominant reason reported for businesses facing skills shortages is the labour market unable to offer candidates with sufficient knowledge and skills.

In realizing the national objectives, the potential of Albanian migrant communities abroad (including those with permanent stay in destination countries) as well as Albanian returnees with skills and qualifications in short supply, needs to be further explored. This requires identifying through surveys on skills and qualifications some of the barriers and opportunities for integration of prospective migrants and returnees in the Albanian labour. It also calls for a more active role of the Albanian consulates and representative offices abroad in disseminating the list of professions and qualifications in short supply as well as the conditions on taking up employment in Albania. Facilitated conditions (such as temporary tax waivers, etc) for diaspora members with skills in short supply would encourage them to take up employment in Albania in particular in the context of pilot initiatives in sectors experiencing highest outflow of professionals. Similar to other countries, setting up a scholarship fund for further study abroad and participation in exchange programs subject to obligation to return could be explored. Albania records a good practice of return of highly qualified nationals through the implementation of the Brain Gain Programme which supported the creation of the necessary incentives and national policy mechanisms for effective engagement of the Albanian Diasporas in the scientific, administrative and economic

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<sup>49</sup> These are specific measures of the Action Plan on Employment

<sup>50</sup> Skill Needs in Albania, 2017, Swiss Development Cooperation (pg 115)

development of the country. The project sought to reverse Albania's "brain drain" and supported the Government in the preparation of a policy framework to address the issue. An online database was established to match the demand of Albania's academic institutions, public administration, and private sector with the expertise offered by the Albanian Diasporas. Changes were made in the laws and regulations related to employment in the Public Administration favouring returnees both financially with rewards for the degrees earned outside the country and in the entrance exams.<sup>51</sup> Similar initiatives of temporarily, virtual or permanent return of highly qualified nationals can result positive in addressing skills shortages in the public administration and labour market in Albania in general.

Albania has a quota system<sup>52</sup> for managing labour **immigration**, which aims to determine the activities and occupations in which work is allowed, as well as the number of work permits, according to the activities and professions. The process of setting annual quotas for the employment of immigrants is highly dependent on the migration policy priorities and the changing situation in the labour market (in particular, with regard to seasonal employment). The current setup of the quota determination has had a limited effect and ought to be re-designed to better react to the labour market needs, including areas of skills deficits, in each sector of demand. Furthermore in the near future, Albania similar to many neighbouring EU countries will have to consider offering dedicated schemes for attracting foreign professionals and skilled workers in selected sectors with high demand, including a combined long-term work and residence permit, facilitated conditions for family reunification.

A good future labour migration policy would require that labour migration needs are periodically monitored and forecast. Regular assessments of the current and future impact of migration flows on the volume and structure of national labour force, along assessments of the impact of migration on the national and regional labour markets would be needed to determine the labour migration policy and the need for foreign workforce. Similar to EU countries this process will require good capacities from relevant GoA institutions for collecting and analysing comprehensive and consistent datasets on labour migration and making use of migration forecasts to develop long-term labour migration policies.

A good policy needs to be grounded in a good legislative and institutional framework that will enable its implementation. The current system of labour migration management for *Albanian citizens* has relied mainly on the role of the Government in signing and implementing bilateral labour migration agreements. The progress so far has shown limitations of this approach as the effectiveness of bilateral agreements has depended on changes in the immigration rules of the destination countries (Greece and Italy in particular). The new policy needs to take into account the growing role of the private sector (including recruiters and recruitment agencies) as a direct service provider on labour migration. The National Strategy on Employment has also envisioned developing national standards on ethical and fair recruitment in Albania that are aligned to internationally recognized standards.<sup>53</sup> Following a 2017 assessment on the state of recruitment of migrant workers through recruitment agencies, the Minister of Finance and Economy issued Instruction 286 Dt. 21.05.2018 'On some specific rules for temporary employees who are employed by temporary employment agencies' further regulating the recruitment procedures followed by private recruitment agencies and their obligations to periodically report to the responsible government authority for employment. However, the national standards on ethical recruitment of migrant workers have not yet been developed. Once in place, there will be a need to

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<sup>51</sup> The Programme was implemented by the Council of Ministers, and its main Government partners were the Cabinet of the Prime Minister, the Ministry of Interior's Department of Public Administration, the Diaspora Institute of the Ministry of Foreign Affairs and the Ministry of Education through UNDP funding.

<sup>52</sup> As per Law No.108/2013 "On Aliens" under Article 82 it is provisioned that within the deadline of October 1 of each year, an annual quota is set for the following year regarding the employment of immigrants in Albania.

<sup>53</sup> The Ministry of Finance and Economy supervises the role of the recruitment agency and makes efforts to advance legislation and its reinforcement on ethical recruitment of migrant workers, be these Albanian or foreign citizens. In cooperation with the Ministry of Foreign Affairs and more recently Diaspora Ministry, it undertakes negotiation of new bilateral labour migration agreements as well as on portability of social benefits.

ensure enforcement of ethical recruitment standards by private operators through periodic monitoring of their activity and reporting.



### Effective mechanisms for seasonal and circular migration

Most of Albanian migration outflows for seasonal work has been directed to Greece and Italy. The agreement between Albania and Greece on “Hiring Seasonal Workers”, of May 1996 involved all seasonal professions, yet in reality was implemented solely for agricultural workers.<sup>54</sup> An assessment of the implementation of the bilateral agreement in 2013<sup>55</sup> revealed that the circular migration takes place mainly through informal channels and outside labour inter-state agreements. Following the liberalization of the EU visa regime for Albanian citizens in December 2010 the procedure of *metaklisi* (invitation) of Albanian circular migrants to Greece has turned to be *de facto* inactive. In reality, a new form of irregularity has emerged, notably that of irregular seasonal circular employment that enter legally to Greece. The agreement between Albania and Italy “On hiring seasonal workers”, of February 1998 was renewed in December 2008 including its protocol of implementation<sup>56</sup>. A pilot scheme was set up and implemented by respective government authorities during 2013<sup>57</sup>, however without much success and it was not further replicated. The quota system of Italy has continued to grant Albanian citizens preferential quota for seasonal work too and also helped to regularise the status of stay for irregular ones.

An increased demand for expanding the geography of bilateral labour mobility agreements with other countries such as UK, France, and Germany has been constantly on the rise over the last years. Future success of new seasonal/circular migration agreements will rely on the institutional ability to carefully examine characteristics and determinants of seasonal labour migration from Albania toward intended countries, to identify key problems associated with irregular movement in these destination countries, and use such knowledge for guiding negotiation process for new labour migration agreements. It is important to also review the scope and provisions of bilateral agreements in force regulating labour migration from Albania to verify that they contain sufficient incentives for circular movement.

**Pre-departure services** for prospective migrants are essential to an effective seasonal and circular migration policy. The network of Migration Counters established throughout the country provide pre-departure information and orientation to Albanian citizens who seek regular employment opportunities abroad. However, the capacities of MCs for frequently updating the information on opportunities, rules and regulation for regular migration abroad are limited. Their capacities for addressing the need for information and orientation of potential vulnerable categories need to be strengthened as well. Given the increasing role of private recruitment agencies in facilitating labour migration for employment purposes for Albanian citizens, stronger cooperation needs to be established with them to identify methods of effective cooperation on disseminating information on opportunities for safe and orderly seasonal migration.

The **effectiveness of the current legal provisions** on protecting the rights of seasonal workers and addressing the specific challenges faced in main destination countries needs to be examined. The Law on Emigration of

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<sup>54</sup> The seasonal migration to Greece has been mainly regulated by the so called *metaklisi/invitation* for seasonal labour that was officially introduced by the Greek government in 2001 (L.2910/2001) under a system of annual quotas and in 2005 (L.3386/05). In practice, however, this channel didn't work since many Greek employers, who have tried to put the procedure of *metaklisi/invitation* into force, have been strongly disappointed and consequently quitted from the relative procedures. See: European University Institute (MEITKOS project): 2011, Circular Migration between Albania and Greece: A case Study- draft report, May 2011.

<sup>55</sup> MEITKOS

<sup>56</sup> The agreement was approved by DCM no. 866, dated on 12.08.2009 “On the approval of the Labour Agreement between the Republic of Albania and the Republic of Italy”.

<sup>57</sup> On the basis of a Memorandum of Understanding (MoU) between the Ministry of Labour and Social Affairs of the Republic of Italy and the Ministry of Labour, Social Affairs and Equal Opportunities of the Republic of Albania that was signed on 19 July 2011

Albanian Citizens for Employment Purposes 9668/2006 which (amended<sup>58</sup>) regulates key aspects of emigration of Albanian citizens and their protection while abroad has remained largely unimplemented and needs to be completely revised as early indicated along its secondary legislation. While efforts have been made to substantially improve the current consular and legal services provided to Albanian migrant workers abroad through online platforms of communication and online application for services, reduction of time in obtaining required documentations, etc. there is a need to undertake a survey of migrants and migrant community leaders in main destination countries to identify additional needs to ensure their maximum protection while abroad. As part of the National Mechanisms for Identification and Referral of Victims of Trafficking, the Albanian authorities in the country and abroad use standard templates of interview of potential victims. A similar approach could be considered in interviewing migrant workers to identify cases of exploitation or discrimination when evidenced by the Albanian consular services abroad.

**Return and socio-economic reintegration** forms an important part of the circular migration cycle. The first reintegration strategy did not distinguish between voluntary and forced returns and focused on the necessity to improve provision of information to prospective and actual returnees and their referral to available services (public, such as the Migration Counters, and when possible private). The MCs can partially fulfil these tasks. While serving as an important hub for information and orientation to public and private services for returnees, they have played merely a facilitating role in reintegration. Based on the field evidence of returnees' opinions, orientation assistance needs to be complemented with dedicated support to access labour market in Albania, public education, vocational training, health and housing services, along entrepreneurship support services. These issues suggest a need for rethinking the current reintegration support mechanism in the country. In particular, a redefinition of the scope of *reintegration support* as well as of the eligibility criteria is needed that would determine the shape of government national programmes for the return and reintegration of labour migrants. The state programs could also build on the experience of reintegration assistance for returnees provided by international organizations, and civil society actors mainly in the form of resettlement support, and in the framework of return programmes implemented by EU countries.

To address such shortcoming it is imperative to assess the scale, categories and specific needs of the Albanian citizens willing to return through surveys, consultations with diaspora and organization of events with migrant workers and on the basis of its findings to determine specific measures and incentives for reintegration and the areas where the capacities of MCs need to be further strengthened. The specific measures may facilitate the creation of small enterprises by returnees (investment funds, legal aid, preferential loans). The European practice shows that in general countries of origin try to gear the potential of returnees toward the wider needs of the national economy.<sup>59</sup> Similar to the Greek or other European countries' experiences, Albania can encourage the development aspect of return migration, by going beyond reintegration support as targeting merely basic needs of the returnee and his/her family.

The reintegration programmes should also monitor the indicators of the labour market participation and economic welfare of the returnees and their family members to identify the barriers to re-integration of the categories of those most in need as well as to undertake actions to remove barriers. Every single intervention in the area of return migration should have in mind the development impact of migration and its utilization for the development of local communities where returning migrants settle. Full utilization of return migration offers chances of greater development to local communities, accompanied by better public and private services, which should provide sufficient disincentives to continued emigration of returnees and their families. Local development may also be an important reason to continue maintaining links with destination country and trying

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<sup>58</sup> Amended by law no. 10389, dated 03.03.2011

<sup>59</sup> In Greece the Government undertook distribution of returnees in less developed areas of the country. Koser K. (2000) noted that in the case of Greece a lump sum was paid to those returnees that settled in the rural areas. Another method applied in Germany was to concentrate returnees in particular sectors of the economy, for example incentives to encourage self-employment in agriculture, trade and research. Yet, in the context of Albania, the efforts to promote returnee investments toward local development are hampered by the lack of local development strategies and plans.

to explore further avenues for business between the two countries. Elaboration of local development plans will be essential to all efforts for linking migration with development in the context of Albania.

Removing barriers to **recognition of degrees and qualification** as much as skills gained/earned abroad is a crucial factor for the success of return and reintegration to Albania as much as for addressing skills shortages in the national labour market. Albania implements the European Qualifications Framework and accounts for labour migrants' skills and capabilities when deciding whether to admit them. The Law 10247/2010 "On the Albanian Qualification Framework" was adopted in 2010 while the National List of Occupations based on International Standard of Classification of Occupation (ISCO 2008) was approved in 2009 by the Decree of Council of Ministers. So far, 640 occupational descriptions have been developed with business representatives and a list of vocational qualifications linked with AQF levels, consisted of 20 fields of qualifications for the 2nd level of AQF, and more than 100 profiles linked with 3-5 AQF levels has been proposed to the Government by the National Agency for VET. For most professions, Albania has an accreditation system to recognize foreign degrees and qualifications.<sup>60</sup> The 2<sup>nd</sup> monitoring report on the implementation of the National Action Plan on Employment (2016) highlights the ongoing efforts for revising the Law on the Albanian Qualification Framework (AQF) in order to improve the process of curricula design in education and training as well as recognition of VET nationally and internationally, improving employability and labour mobility of VET graduates.

At the same time, returning migrants bring a valuable set of informal and non-formal capacities, skills and competencies obtained in migration. It is important that there is a mechanism in place to ensure that these can be applied in the Albania context and taken advantage of in the local labour market. The National Action Plan on Employment envision '*selecting bodies and putting in place procedures for the validation of qualifications, skills assessments, certification and the validation/ recognition of prior learning*' however the 2<sup>nd</sup> monitoring report on the implementation of this action plan (2016)<sup>61</sup> indicates that Recognition of Prior Learning mechanisms have been defined and tested in few qualifications, however the legal basis is not yet fully in place. The new VET law supports implementation of procedures for recognition of prior learning but it is not complete without the AQF law and its bylaws. Recognition of prior learning would contribute to the development of lifelong learning opportunities, especially among adults and improve their participation. Completion of the legal framework would unlock the progress of this activity.

Albania participates in the Regional Cooperation Council (RCC) of South East Europe (SEE). RCC believes that facilitating free movement of people within the region is likely to redirect some of the migration flows that so far concentrated outside the region to a mobility within the region that should contribute to keeping the skills base and potential workforce in the region. As part of implementation of the SEE Development Strategy 2020, the RCC aims to remove some obstacles to mobility of professionals, in particular through:

- regional mutual recognition agreements of professional qualifications in sectors of mutual interest by 2020;
- Removing obstacles to mobility of highly qualified workforce, in particular through development of joint standards and procedures for automatic recognition of quality assured academic qualifications;
- Removing obstacles to mobility of students, researchers and academics through joint policies, measures and instruments aimed at increasing academic and research mobility and cooperation in the region and development of a proposal for a Western Balkans Young Researchers Mobility Scheme to facilitate mobility from and to the Western Balkans by 2020.

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<sup>60</sup> The Guidance of the Minister of Education and Sport Nr.17, date 03.08.2016 defines that Albania recognizes the degrees which correspond to the levels 5, 6, 7, 8 of the Albanian Qualification Framework: PhD, Master, Bachelor, and two years' professional degrees. See: Migration Governance in Albania: An assessment Report, IOM, 2016 (pg 35,36)

<sup>61</sup> Pg 67



In line with these objectives, the national framework on labour migration needs to be aligned with those of Western Balkan countries to offer quality vocational education and training to youth and adults. Three categories of migrants, namely potential emigrants, returnees as well as immigrants) benefit from this policy.



### **Migration and development policies and practices**

This pillar of migration governance is closely linked to the labour migration policy, which, when well organized, has high potential to contribute to the development of the country of destination as much as the country of origin. As the Diaspora Strategy and its Action Plan ensure a good coverage of all issues related to migration and development, the proposed measures under this strategy and action plan complement the provisions under the Diaspora strategy.

Two core issues are covered in this policy document with respect to the impact of migration on development: remittances and their transfer, and investments to Albania from a development perspective.

- *Remittances and their transfer*<sup>62</sup>

The economic significance of remittances lies beyond what official statistics of the balance of payments suggest, for both sending and recipient countries. Remittances include the transfer of monetary or in-kind “income and wealth” from workers in one country to their country of origin. Monetary transfers contribute to the direct growth of foreign currency amount in the home country of migrants; meanwhile, in-kind transfers contribute to the increase of savings in the host country of the migrant when remittances are sent via formal channels, they are recorded in the current account of the balance of payments of both the home and the host country of the migrant. Remittances are also in-kind, such as goods sent to families in the country of origin. However only a part of them is recorded as imports, while the majority of payments<sup>63</sup> or donations made by migrants are rarely recorded as remittances.

During 2008-2017, the remittances to GDP ratio in Albania averaged 9.1%. This share fell slightly only once after the global crisis, yet it did not affect the important contribution of this item to the macroeconomic framework of the country. The impact of remittances on household incomes in Albania is significant. The World Bank has estimated that remittances represent about 13% of the annual households’ budget in Albania and a considerable part of remittances is destined for households living in rural areas. Studies show, however, that dependence on remittances may make some households increasingly vulnerable. While many families seek to emerge from poverty and improve the standards of living, a significant share of remittances is used for consumption. Considering that sooner or later these cash flows will fall, to be sustainable they need to be increasingly channelled towards investments. It is therefore crucial to continue expanding and improving remittance data collection research and analysis in order to orient new policies on remittance’ transfer and productive use/investment.

The use of formal and informal channels for the transfer of remittances is an important factor for their productive use and investment. In Albania, the majority of remittances are transferred informally while little use is made of banks. Based on the analysis of the way that remittances are delivered, it is estimated that 39% of remittances flows are channelled through unregulated channels, while 57% through nonbank financial institutions and only 4% through banks. It is also noted that remittances in Albania, even when channelled through official delivery channels, are disbursed in cash, thus promoting the use of cash in the Albanian economy. A combination of high transaction costs and socio-economic exclusion of households in rural areas and or/ households with low financial literacy may be the main factors for the continued use of informal channels of transactions.

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<sup>62</sup> The analysis under this section relies on an analysis of the National Bank of Albania 2018 publication ‘ Remittances, a support for development’

<sup>63</sup> Such as insurance premia, education, tickets for international flights directly to air lines

In view of economic development and households' well-being, the routing of remittances through official channels is extremely important, thus creating and enhancing access to basic banking services for the remittance-receiving households of emigrants. A 2016 World Bank survey *on the financial behaviour of remittance recipients* indicates that an important factor for the financial inclusion of remittance-receiving households and the channelling of remittances through regulated channels is the development of a country's retail payment market meeting international standards. The Albanian retail payments market consists mainly of banks and some non-bank financial institutions, which concentrate their activity mainly on money transfers (cash-in-cash-out). Banks dominate the financial system accounting for about 90% of total assets of the system. Non-bank financial institutions provide limited alternatives to using electronic payment instruments.<sup>64</sup> On the other hand, the presence of innovative institutions, such as electronic money institutions, is still at a limited level in the Albanian market. The electronic payment instruments offered by the banks can widely be utilised for remittance transfers.

Low costs are estimated to be a key factor for the delivery of remittances. The study of remittance market identifies 'cost' as the third reason why banks are not used as channels for remittances delivery. The first two reasons why banks are not being used to deliver remittances, are: the perception that banking procedures are complicated and the lack of a bank account from inhabitants. Remittances in Albania are high. More specifically, the cost of delivering remittances to Albania in 2018 Q1 is 8.64%<sup>18</sup> of the total amount to be sent, standing above the global level (7.13%) and the regional average for Europe and Central Asia (7.55%).

Remittance costs could be further reduced by raising: the level of financial education of the public. The Project Greenback is a recent pilot initiative of the World Bank Group, implemented in Berat, committed to promoting the financial education of emigrants and their families who are expecting remittances in cities selected based on the volume of remittance flows. The overall objective is to increase the efficiency of the remittance market through promoting change based on the real needs of final beneficiaries of international transfers and stimulating cooperation between emigrants and their families, remittance service providers and public authorities.

The challenge for developing specific and innovative products, to serve emigrants and their families should be encouraged and promoted to allow them access to financial system services and greater financial inclusion. The National Bank of Albania has identified that the banking system offers very few products linked to remittances, mainly bank transfers and deposits. It recommended that banks should refocus their attention on the remittance business, as: first, it is profitable for them because of commissions; second, foreign currency remittances are a source of income for banks because of the exchange rate; third, banks may sell other products related to remittances, both to emigrants and beneficiaries of remittances, e.g. debit cards, credit cards, and consumer credit. The approach of non-bank financial institutions to the remittance market is different from that of the banks. These institutions pay more attention to the remittance market as they have tailored products (such as time deposit, business loans to families of migrants and mortgage loans) that serve specifically to emigrants and their families, and plan to serve them in the future with products that are in accordance with new developments and evolution of the remittances' development cycle. Hence their role must be enhanced and supported.

- *Promotion of investment to Albania*

In terms of transnational economic (development) activities, the involvement of Albanian Diaspora groups so far has been limited, with the exception of the support provided during the conflict in Kosovo. A challenge to

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<sup>64</sup> Currently, there are nine licensed non-bank financial institutions in the Albanian market for payment and transfer services, of which 6 may be considered actively involved in the market. It is estimated that main remittances are channelled mainly in two of these institutions. It is worth pointing out that the services currently provided by these institutions do not support the use of electronic payment instruments, inter alia as a result of the existing legal and regulatory framework.

engagement of Diaspora groups in country's development has been the adequate identification of Diaspora groups/associations due to lack of proper organization and formalization of associations/groups, lack or continuity of their activities, etc. However there are also groups that are well established, with active, long lasting participation and serious commitment by members. The State Minister for Diaspora is actively creating a repository of all the associations and groups of Albanian communities abroad also through the recently established the National Institute for Diaspora which will be largely utilized for engaging them in various initiatives for the country development. The efforts to provide out of country voting represents one of the GoA incentives for promoting Diaspora engagement in the country development.

Diaspora engagement has also been hampered by the lack of continued and updated information on investment opportunities in Albania as well as of the changes in the legal and regulatory framework for doing business and/or investing in Albania. The establishment of the Albanian Investment Development Agency has brought some major improvements in obtaining information on investment opportunities, nevertheless the GoA efforts in this respect could have a major impact if coupled by frequent contacts with diaspora business networks abroad through the support of the Albanian diplomatic service. These meetings should serve to inform on the investment opportunities as much as to gauge the level of interest in investing in Albania among Diaspora groups and to identify major barriers to investment. This represents also one of the key objectives of the Diaspora Strategy and its Action Plan.

Engagement of the diaspora could also be encouraged by establishing dedicated Government programmes specifically designed to attract the human and financial capital of Diaspora members and to utilise to the benefit of Albania's socio-economic advancement. In this respect Albania can also benefit from successful international experience in Diaspora engagement in national and local development such as the Diaspora Engagement Hub in Moldova or the programme 3x1 in Mexico<sup>65</sup>.

Such experiences would allow the Government of Albania to encourage the transfer of human capital and professional experience for the academic, social and economic development of Albania, as well as establishing successful models of matching funds to support public work that results in the improvement of local communities infrastructure (roads, schools, health services) and to promote local economic development (employment generation schemes, etc).

Moreover, Diaspora's contribution may go to projects of strategic interest to the Albanian Government (eg in the implementation of the 'Integrated Rural Development Program - 100 Villages<sup>66</sup> Program') aimed at increasing investment in agriculture and tourism through the creation of facilitated conditions (incentives), and other projects aimed at the development of agro-tourism, the growth and development of agro-processing through the introduction of agricultural product processing lines, etc. Moreover, the Ministry of Agriculture and Rural Development may facilitate the absorption of EU funds by all Albanian citizens (including migrants) through projects that promote investment in agriculture (such as IPARD, SARED, etc), reduction of purchase tax for agricultural machinery and inputs. All of these incentives will create new jobs, facilitate investments in agriculture and livestock, for farmers who are currently active in agriculture, but also for the share of migrants who have decided to return and invest in these sectors.

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<sup>65</sup> The Moldova example tries to encourage the transfer of human capital and professional experience for the academic, social and economic development of the Republic of Moldova. It includes three subprograms that consist of Diaspora Professionals Return, Diaspora Innovative Projects and Thematic Regional Partnerships and Diaspora Educational Centres in the Diaspora. The Diaspora members/associations benefit grants to implement the various components of the programme through funding of the Swiss Government. The 3x1 Program for Migrants supports the initiatives of Mexicans living abroad and gives them the opportunity to channel their resources into works of social impact that directly benefit their home communities in Mexico. The project is implemented with the assistance of clubs or federations of migrants living abroad, the Federal Government (through SEDESOL - The Social Development Secretariat) and the state and municipal governments. It represents a matching funding scheme. For every peso sent by migrants, the Federal, State and Municipal governments add 3 pesos each, hence the name: 3x1. The programme has now been expanded to include the private sector as well (4x1). This collected fund it utilised to finance public work that results in the improvement of local communities infrastructure (roads, schools, health services) and to promote local economic development (employment generation schemes, etc).

<sup>66</sup> More information on this program can be obtained by visiting the following link <http://www.bujqesia.gov.al/programi-i-integruar-per-zhvillimin-rural-programi-i-100-fshatrave-2/>

## ❖ DOMAIN 4. Migrant's integration and protection of migrants' rights

With respect to this domain the following elements are crucial:



### ➤ Comprehensive non-discrimination framework

**With respect to protection mechanisms applicable to migrants,** Albania guarantees the implementation of most of the human, economic and social rights of foreigners in the country. Albanian legislation is in general in compliance with EU standards regarding the legal provision on non-discrimination. Equality of the rights of foreigners with those of nationals is enshrined in Art. 16 of the Constitution of Albania.<sup>67</sup> The Constitution also extends to non-nationals a range of fundamental human rights and freedoms, including equality and non-discrimination.<sup>68</sup> Migrants' rights are also explicitly guaranteed in several legal acts<sup>69</sup> and appropriate Council of Ministers Decrees and regulatory framework implementing these legal acts.

Albania has also ratified the majority of international human rights instruments and the main conventions on the rights of migrants.<sup>70</sup> Albania is successfully implementing the majority of international conventions on migrant workers and domestic migration legislation reflects generally the principles of international conventions on migrants' rights.

The ratified conventions are obligatory for Albania and both the national legislation and the practice of migration authorities should be in compliance with them. Therefore, a few specific areas require attention in order to ensure full alignment with the ratified international conventions: (1) Even though Albania has ratified the Council of Europe Convention on the Participation of Foreigners in Public Life at Local Level, the domestic legislation has not been amended so as to enable certain rights envisaged by that Convention such as the right for consultations in the local matters, or the right to vote in local election<sup>71</sup>. (2) Albanian emigrants abroad cannot exercise their right to vote due to the lack of infrastructure to enable them to vote from abroad. (3) Under the Law on Foreigners, all public service providers must not provide any service to the foreigners with irregular immigration status. Exception is made only for emergency care. The Law should also include schools as

<sup>67</sup> "The fundamental rights and freedoms and the duties contemplated in this Constitution for Albanian citizens are also valid for foreigners and stateless persons in the territory of the Republic of Albania, except for cases when the Constitution specifically attaches the exercise of particular rights and freedoms with Albanian citizenship".

<sup>68</sup> These include freedom of expression, right of information, freedom of conscience and of religion, prohibition of torture, cruel, inhuman or degrading punishment or treatment, prohibition of forced labour.

<sup>69</sup> Labour Code, the Law "On the emigration of Albanian citizens for employment purposes" (No. 9668, of 18.12.2006), the Law "On the International Private Law" (No. 10 428, of 2.6.2011), the Law on Foreigners (No. 108/2013 as amended) ; the Law "On Asylum in the Republic of Albania" (the Act No. 121/2014, the Law "On Foreign Service" (the Act No. 23/2015),

<sup>70</sup> ILO Convention on Migration for Employment (C97), ILO convention on Migrant Workers (C 143), Convention on the Status of Refugees and its Protocol (1961), Convention relating to the status of Stateless Persons (1954), Convention on Reduction of Statelessness (1961), Vienna Convention on the Consular Affairs, Convention on the Rights of the Child, International Covenant on the Rights of Migrants and Their Family Members, as well as two council of Europe Convention on the rights of migrants, namely Convention on the Status of Migrant Workers, and Convention on Participation of Foreigners in the Public Life at at the local level.

<sup>71</sup> Even though Albania has made reservations regarding the right to vote of foreigners envisaged by the Convention on the Participation of Foreigners in Public Life at Local Level, it is advised that it acknowledges this right to the foreigners.

a service provider exempted from the obligation to identify the legal status of the children so as to guarantee the right to education to all the children. At present, there is the risk that children of migrants with irregular status cannot exercise their right to education due to the legal status, contrary to the Conventions ratified.

A general objective of Albania's migration governance ought to be an extension of legal guarantees of non-discrimination to all the residents, regardless of the status of their residence. This would have the effect of ensuring that the general norms of the national legislation, securing the country's compliance with international standards, are adhered to without any discrimination. In particular, it is important to review the actual position of foreign workers, in particular those employed irregularly, with regard to the realization of a range of entitlements and standards, enshrined in the Labour Code.<sup>72</sup> This should further be complemented by ensuring that all migrant workers, regardless of their legal status, are paid in full for all completed work.

- *Enforcement of non-discrimination regulations*

It is very difficult to ascertain to what extent the non-discrimination regulations are being applied in Albania. This situation reflects certain cross-cutting issues, which need to be addressed in order to raise the country's overall implementation capacity.

Firstly, appropriate human resources need to be in place to ensure implementation of the domestic legislation and international conventions. Thus, continuous trainings of all officials working in the area of migration, in particular police and border personnel, judges, prosecutors, lawyers/advocates as well as officials at the local level dealing with migrant workers, are recommended. These should help address the gaps in their knowledge of appropriate procedures to be applied to detect and prosecute legal violations by or in relation to foreigners in Albania. There is in particular a significant lack of knowledge among judiciary and prosecutors on the rights of migrants in irregular situation, envisaged by the Conventions ratified by Albania.

Secondly, as recommended by the Committee on Migrant Workers, there is also a need for informative campaigns targeting migrants, to ensure that they have effective access to information about their rights and principle of non-discrimination enshrined by Albanian Constitution and Conventions ratified. An increased awareness of their rights should result in the greater readiness to report cases of violations.

Finally, more effective mechanisms for monitoring the observance of the principle of non-discrimination in relation to the rights of migrants are called for. The information provided by official sources on the implementation of and respect for the rights of migrant workers and women migrants in Albania remains limited and irregular. During the last years, the Special Rapporteur on migrants underlined the need for adequate information on seeking asylum, better care for migrant children and better interpretation assistance to irregular migrants entering Albania. In this context, the competencies and capacities of several institutions need to be strengthened. The Albania's Ombudsman has increasingly monitored and reported on the situation of rights of migrants and asylum seekers, including reception conditions of irregular immigrants and asylum seekers. This role needs to be continued. Furthermore it is recommended to continue monitoring and reporting on the process of implementation of the rights of migrant workers in Albania through the establishment of a specific mechanism, which would respond to ICRMW requirements as well as tasking of a specific institution with regular monitoring of migrants' rights.

- **Identification of migrants as a vulnerable category**

Some categories of migrants, both returning Albanian citizens and foreign nationals residing in Albania, are recognized in Albanian policies, legal framework and programmes as belonging to vulnerable categories. Law on

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<sup>72</sup> These include, for instance, the right to having a written contract in a language understood by both parties, stipulating terms of fair and timely payment of all wages and benefits as well as compliance with safety and other standards in the workplace.

Foreigners includes references to “Vulnerable persons’ who are unaccompanied and separated children, persons with limited abilities, elderly people, pregnant women, single parent with children, and persons who have been subjected to torture, rape, or other forms of psychological, physical and sexual violence. Law on Social Care Services in Albania 121/2016 includes foreigners with legal residence in Albania as one of categories that is eligible to benefit from such services. The law is addressed to categories eligible for state aid, and includes among others, victims of trafficking, children etc. The law includes also children in need of special protection, who are children that have been abandoned, or subject of exploitation, violence, discrimination etc. Under this category are included also UMCs.

However, various legal acts contain inconsistencies in definitions of the vulnerable groups. This especially applies to the group of UMCs, affecting the rights and entitlements in compliance with the Convention on the Rights of the Child. For instance, the Law on Social Care Services does not include asylum seekers or irregular migrants as beneficiaries of social services, which affects the provision of shelter to unaccompanied children who cross the borders irregularly. According to Law 18/2017 “On child rights and protection’ the specificities of cases of unaccompanied children on the move that may enter to Albania, according to Article 3/6 of this Law are considered to belong to the category of children in need for protection. However, according to the Law on Foreigners, UMCs must be sheltered in open centres and not placed in the detention centre. Furthermore, dedicated mechanisms are needed for provision of social care and support to Albanian returned UMCs whose families are not identified or have been considered as abandoned by their parents.

Vulnerabilities may arise in the process of handling irregular migrants during their detention. While the term “vulnerable person” does not feature in the Criminal Procedural Code, the law includes a specific right for detained or arrested foreigners- namely the right to be informed on the right to contact consular office. It is, however, recommended that detained irregular migrants should be considered as vulnerable categories in relation to legal aid as a whole and thus they should be provided with free legal assistance while in detention. Another important aspect is raising detainees’ awareness of their rights through provision of information materials covering the appropriate procedures for appeal and availability of legal aid. To ensure adequate treatment and respect of human rights, national and local capacities need to be strengthened through allocating adequate resources for the effective processing of migrants, so as to guarantee *non refoulement* and fast and effective identification and referral of vulnerable cases.<sup>73</sup>

Women’s specific needs need to be taken into account in the overall design and delivery of assistance. This requires firstly identifying the barriers to women’s employment and protection of their rights through consultations with female migrants. Secondly, a review is needed not only of legislative acts but also administrative procedures and assistance schemes to reveal obstacles to effective use of aid mechanisms by women.

### ➤ **Migrants’ socio economic integration**

"Albanian migration legislation grants foreign long-term residents economic rights, health-related and social rights on the same terms as the Albanian nationals.<sup>74</sup> Access is also extended to residents on family reunion permits **as under Article 84 of the Law on Foreigners**, foreign family members of Albanian nationals who are willing to work are treated the same as Albanian nationals. Under Albanian legislation, foreign citizens working in Albania for Albanian employers, and foreign citizens working in Albania for non-Albanian

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<sup>73</sup> Instruction 293/2015 ‘On the procedures for treatment of foreigners with irregular status in Albania’, envisages specific measures for pre-screening and transferal mechanisms of victims of trafficking and unaccompanied minors.

employers are entitled to Albanian social insurance, provided they do not enjoy other more favourable social insurance protection”<sup>75</sup>

Albania has concluded several agreements with other countries on social protection, which guarantee the portability of old-age pensions along with other social security benefits.<sup>76</sup> While the number of concluded agreements has recently increased significantly, the need to undertake negotiations on signing bilateral agreements on the social protection of migrants with key host countries was explicitly featured in the Diaspora Action Plan, in which they were considered crucial for effective transfer of social insurance benefits for Albanian returnees. In this context, it is worth considering conclusion of agreements with certain priority countries, such as Italy and Greece, hosting significant numbers of Albanian migrants many of whom have begun to return to the homeland.

While the national legal framework is generally comprehensive, some gaps arise in securing conditions of socioeconomic integration to all residents. To realize the constitutional guarantee of equal access to social protection (social insurance, healthcare and other social and economic rights) for all Albanian citizens and migrants, the categories of persons who are insufficiently covered need to be identified and necessary changes in the national legislation and international agreements undertaken. These barriers are related to the legal and administrative framework (conditions of acquiring residence permits by family members and of maintaining their residence status in cases of the migrant worker’s death or divorce), the catalogue of entitlements (right of irregular migrants to join trade unions; the scope of protection applicable to irregular migrants and their family members, refugees and asylum-seekers) and the eligibility for social protection (access to integration programmes and services). Many of these issues may be addressed through a combination of better information provision, facilitated procedures and institutional strengthening of service provision to migrants.

Particular attention needs to be paid to those areas, in which specific issues have been identified in protection of rights of some migrants, especially those with irregular status. These are, in particular, access to healthcare and education.

**Access to healthcare.** Immigrants, depending on their legal status, enjoy the same status as citizens in accessing government-funded health services. All economically active persons<sup>77</sup> permanently resident in Albania make use of health services on the basis of their obligatory contributions to the state health insurance fund.<sup>78</sup> This right extends to employed refugees.<sup>79</sup> In turn, asylum seekers are among economically non-active people, whose contribution’s payment is financed by the State Budget, or other sources as provided for in the law.<sup>80</sup> Specifically, Law on Asylum envisions the right of access to health care services asylum seekers residing in the National Reception Centre for Asylum Seekers<sup>81</sup> while Law on Aliens guarantees health care to aliens hosted in closed reception facilities.<sup>82</sup> An additional guarantee is provided in Law on Aliens, which grants the right of

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<sup>75</sup>Art. 7 of the Law No.7703 "On Social Insurance in the Republic of Albania", 11 May 1993.

<sup>76</sup> Such agreements include: The agreement on "Social Protection" with Belgium coming into effect on 1 January 2016, a signed "Social Protection" agreement with the Federal Republic of Germany on 23 September 2015, a signed agreement on "Social Protection" with the Republic of Romania in 2015, which has undergone the ratification process on 14 April 2016, a signed agreement with the Republic of Macedonia on 17 March 2015 ratified with Law No.123/2015, 12 November 2015 and coming into effect on 1 June 2016; a signed a bilateral agreement on social security transfer between Albania and Kosovo/ UNSCR 1244/1999, on 5 February 2015; a signed agreement on "Social Protection" with the Czech Republic signed on 13 October 2015, which was ratified on 24 March 2016, a signed agreement on "Social Protection" with the Republic of Hungary ratified with Law No.151/2015, 21 December 2015, coming into effect on 1 July 2016. In addition there is an ongoing agreement with Turkey, in force as of 15 April 2005, and an agreement with Canada as per Council of Ministers Decision No.336, 22 April 2015.

<sup>77</sup> This includes employees, self-employed persons, unpaid family workers and other economically active persons.

<sup>78</sup> Law No.10383 on "Compulsory Health Care Insurance in the Republic of Albania", 24 February 2011, under Article 5

<sup>79</sup> Art. 55 of the Law 121/2014 on Asylum.

<sup>80</sup> Article 5, point 2 of the Law No.10383 on "Compulsory Health Care Insurance in the Republic of Albania", 24 February 2011.

<sup>81</sup> Article 30, point b, of the Law 121/2014 on Asylum.

<sup>82</sup> Article 127, point 2 of the Law 108/2013 on Aliens amended by Law 4/2016.

access to health care for all categories of immigrants irrespective of their legal status when found in a situation of a medical emergency and in cases when the lack of medical care may threaten their life.<sup>83</sup>

However, certain difficulties in practical access to healthcare for non-nationals have been noted in the 2016 assessment report. Gaps have been revealed in the ability of the medical personnel to offer health services to foreigners in Albania, indicating a need for training that would help them better understand their respective health risks and health social determinants as well as the culture's impact on health and illnesses.

**Access to education.** Irrespective of their legal status, all immigrants have access to primary and secondary education in Albania.<sup>84</sup> Albanian legislation guarantees the right to education in the Republic of Albania to foreign citizens and stateless persons, without discrimination in terms of gender, race, colour, ethnicity, language, sexual orientation, political or religious convictions, economic or social status, age, place of residence, disability or other grounds enumerated in the Albanian legislation. However, some categories of migrants experience difficulties in practical access to the Albanian public education. In general, there is a need to offer tailored assistance to immigrants and their children to address the language barrier, preventing them from using educational services effectively. Other barriers are of administrative character. Holders of protection status were not able to register their children in public schools due to a temporary lack of identity cards. In turn, although in principle entitled to receiving education for their children, irregular migrants are not able to access educational system due to the absence of legal residence.

**Dedicated integration programs.** In the current institutional setup, several state bodies are responsible for the social integration of foreigners. Under Article 4 of Act 108/2013, "the design and implementation of a national programme of social integration of foreigners are responsible ministry for labour and social affairs, the ministry responsible for education and science and the Ministry responsible for tourism, culture, youth and sports." Greater coordination of their activities could help address more thoroughly the challenges and barriers of social and cultural rights of migrant workers and migrant women in Albania.

Establishment of dedicated integration programs, taking into account foreigners' diverse sociocultural backgrounds, could help pool resources together and exchange information more effectively among the involved institutions. The programs could also target the needs of vulnerable categories of foreigners (in particular, women and children) more comprehensively. Design of such programs should take into account results of a review of the functions of Migration Counters and other institutions involved in the referral mechanism for reintegration that was established in the context of the Reintegration Strategy. This could help take stock of the various sectoral reintegration initiatives and identify assets and competencies of relevant institutions.

### ➤ **Durable legal status of immigrants in Albania**

Ultimately, the key to long-term integration are clear and transparent prospects for legal status, according the migrants guarantees of equal treatment with that afforded the destination country's nationals. Albania recognizes the importance of a rights-based migration policy that creates legal opportunities for long-term settlement and full integration of those who qualify.

#### ○ *Long-term residence*

A vital step toward putting migrants' status durable is the opportunity to acquire long-term residence after meeting transparent criteria. All the foreigners who hold temporary residence in Albania are entitled to apply

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<sup>83</sup> Article 136, point 2.

<sup>84</sup> Article 5 of the Law No.69/2012 on "Pre-University Education in the Republic of Albania", 18 July 2012.



for an indefinite residence permit under equal conditions.<sup>85</sup> An application must be lodged 60 days before the expiry of the existing residence permit with the local regional authority of Border and Migration.<sup>86</sup> The application for long term residence permit can only be refused to the foreigners who otherwise fulfil the criteria in case it is demonstrated that they have been charged or convicted for crimes committed in Albania, and there is the risk of becoming a threat to the national security and public order. In cases of refusal, explanation of reasons for refusal and the possibility to challenge the decision in courts must be given in accordance with the Code of Administrative Procedure. Long-term residence status is permanent and the permit is automatically renewed after 7 years. It may only be revoked if the document was obtained through false information, the holder is subject to removal, constitutes a threat to public security, or has been living abroad for more than 12 consecutive months.

While the terms of acquisition and termination of long-term residence are generally in line with international practice, there is a need to raise the applicants' awareness of the precise meaning of the terms and specifics of the formal requirements. With the exception of cases of genuine threat to public order and national security, the applicants should be provided with exhaustive information of the grounds for refusing the application and be given sufficient information on how to meet the requirements in case of re-application. In case of termination of the status for non-security reasons (e.g. due to the excessively long absence from the territory), opportunities should be provided for re-application once the grounds for refusal are eliminated. In such cases, it is further recommended to consider the ties to Albania (family status and length of residence) as mitigating circumstances in decisions on removal from the territory.

- *Citizenship*

Under Article 6 of Act 8442, 21.1.1999, "On Albanian Citizenship", naturalisation, next to birth and adoption,<sup>87</sup> is a form of acquisition of the Albanian citizenship, which is open to all qualifying adult foreign applicants. The primary requirements are a period of legal residence of five years and basic command of the Albanian language.<sup>88</sup> The legislation facilitates naturalisation of spouses of Albanian citizens and children whose one of the parents is ethnically Albanian. Furthermore, conditions are eased for foreign nationals of Albanian origin.<sup>89</sup> The request is lodged at the Ministry of Interior, which is obliged to decide whether to forward the request to the President of the Republic within 6 months and the President issues a decree by which citizenship is granted. If the Ministry of Interior decides not to forward the application to the President, it should inform the applicants who have the right to appeal in the court.

Although the ultimate decision is discretionary, it is vital that the review procedure is transparent, providing genuine opportunities for effective appeal. In particular, the applicant should be notified of any delay in the review, and if necessary, should be given an opportunity to supply required evidence in support of the application. The standards of the review by the Ministry of Interior should reduce cases of arbitrary interpretation of the formal grounds for accepting the application. In particular, it appears necessary to establish and inform applicants accordingly of the interpretation of the criterion of uninterrupted residence in the country. The negative outcome of the review by the Ministry ought to result in the issuing of a written notice, which, with the exception of grounds of public security and national defence, should include detailed exposition of the grounds for refusal with legal and factual references.

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<sup>85</sup> Exceptions include foreigners who study in Albania, are seasonal workers, applicants or beneficiaries of temporary protection or who asylum seekers are prior to the final decision on their request.

<sup>86</sup> Art. 61 of the Law No.108/2013 "On Aliens".

<sup>87</sup> A minor becomes automatically Albanian by birth, if any of the parents is Albanian. If the parents are not Albanian citizens, but are legal residents in Albania, the minor born in Albania may become Albanian national if required by both parents.

<sup>88</sup> Moreover, applicants may not have been sentenced for a criminal offence with the detention term of at least three years or their admission into Albania might constitute a threat to the public security and national defense.

<sup>89</sup> Decision of Council of Ministers no 554/2013 "On the criteria and procedures for acquisition of Albanian citizenship by persons with Albanian origin with exception of citizens of Kosovo".

As in other procedures, acquisition of citizenship ought to consider the welfare of children as a particularly vulnerable group. Albania has ratified the Convention on Migrant Workers and Their Family Members which envisages that every child of migrant workers shall have the right to citizenship regardless of migratory status. While, as noted above, any child born in the country, even from foreign parents with legal residence or from unknown parents, can obtain Albanian citizenship, the Law on Citizenship does not cover children of irregular migrants, who otherwise would remain stateless. It is therefore vital that by addressing this issue, the Albanian authorities bring the national legislation in compliance with the ratified international conventions regarding citizenship and elimination of statelessness, in order to guarantee that no child is deprived of the opportunity to acquire a nationality, in order to avoid statelessness.

- *Family reunification*

Albania allows for family reunification of all migrants in visa or residency categories, which is in accordance with the EU Directive on Family Reunification. Law No.108/2013 "On Aliens", 2013 grants the right to reunify with the family to spouses of Albanian nationals as well as children under their custody (Art. 55), family members of legal immigrants (Art. 56) or of refugees (Art. 58).<sup>90</sup> Appropriate residence permits are issued by the authority responsible for border and migration. The Law envisages the possibility of independent residence permit, but only after 5 years of residence in the country under family reunification rules.

At the same time, the International Committee of Migrants has noted that the law does not provide for a renewal of the residence permit to members of the family of a migrant worker in case of divorce, or in case of death of the migrant worker.<sup>91</sup> To bring the domestic legislation in conformity with Art. 50 of the Convention on the Rights of Migrants and Family Members,<sup>92</sup> it is therefore essential that the Law on Foreigners guarantees the rights of the families of the deceased or divorced migrant workers. In particular, the authorities should consider the best interests of children when deciding on the annulment of the residence permit of the foreigner when the family is dissolved. If no such authorization is granted members of the family shall be allowed before departure a reasonable period of time in order to enable them to settle their affairs in the State of employment.

Although the Law on Foreigners does not explicitly refer to the right of family members to employment, they enjoy equal access to the labour market as nationals as holders of relevant residence permits. Under Art. 70 of the Law No.108/2013 "On Aliens" long-term residents enjoy economic rights, health-related and social rights on the same terms as the Albanian nationals. Under Article 84 on labour market needs for employees, foreign family members of Albanian nationals who are willing to work are treated the same as Albanian nationals. Foreign family members of Albanian nationals take precedence over other immigrants in filling job vacancies. In this regard, Article 84 also provides that job vacancies are first to be filled by persons who possess skills and qualifications required and are willing to work in the vacancy, including foreign family members of Albanian nationals. Article 85 envisages that work permits for family members of Albanian citizens must be issued with priority, and without reference to the labour market.

It is advisable to specify in the alien's legislation the rights of family members of foreigners in Albania, including the right to education, vocational training, employment and social assistance. Moreover, in line with the recommendations of the Committee on Migrant Workers, issued in 2010, it is essential to monitor the implementation of the right of family members to maintain their residence permit. However, as noted above,

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<sup>90</sup> Furthermore, all relevant provisions with respect to application for family unification, the procedure of unification as well as the rights of the refugee' family members are stipulated in Articles, 63, 64, 65, 67 of the Law on Asylum.

<sup>91</sup> Art. 34 of the Law on Foreigners envisages that the 'residence permit is not renewed if the reason for which it was issued does not exist anymore, for example the marriage has been dissolved'. The family member enjoys the right to autonomous right to residence permit only after 5 years of residence. In case of death of the sponsor, the family members can have an autonomous residence permit after 3 years of residence in Albania.

<sup>92</sup> According to the Convention, the State of employment shall favorably consider granting family members of that migrant worker residing in that State on the basis of family reunion an authorization to stay; the State of employment shall take into account the length of time they have already resided in that State.

the residence status of family members remains dependent on the relation to the holder of the main permit, potentially making the position of family members vulnerable in case of death or divorce.

## **PART II: VISION, POLICY GOALS AND STRATEGIC OBJECTIVES OF THE STRATEGY**

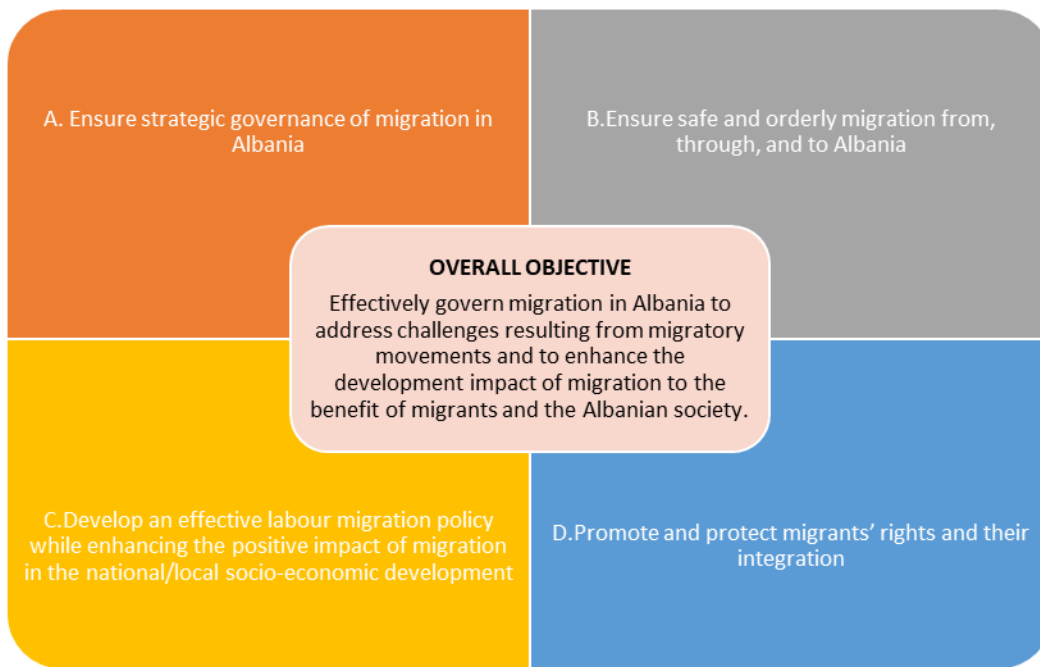
### **2.1 Vision and policy goal of the strategy**

The vision of the National Strategy on Migration Governance, inspired by the global migration processes as much as Albania's integration process in the European Union is to ensure a comprehensive and holistic response to migration challenges and opportunities in the context of Albania. In line with this vision, the Government of Albania has set as an **overall objective** for the strategy:

***'Effectively govern migration in Albania to address challenges resulting from migratory movements and to enhance the development impact of migration to the benefit of migrants and the society'***

This objective will be achieved through coherent and concerted policy actions that simultaneously respond to: the need for building a solid legal and institutional framework on migration governance; to the need for continuing to strengthen response to irregular migration from, to and through Albania toward the European Union; challenges posed by mix migration flows and the need to ensure adequate protection for migrants; the need for enhancing the governance of labour migration; the need for further promoting linkages between emigration of Albanian citizens with the national and local development of the country; the challenges and opportunities for building a solid framework for integration of foreign migrant workers and members of their families in Albania.

The National Migration Governance Strategy centres on four strategic priorities, as follows:



### **PART III. SPECIFIC OBJECTIVES OF THE STRATEGY AND MAJOR PRODUCTS**

The basic condition for effectively governing migration in Albania is to ensure that a solid policy, legal and institutional framework for migration governance does exist. This will also be the primary objective of the strategy. A solid policy framework will entail that migration policies are well mainstreamed into sectorial and cross sectorial policies, as much as they are aligned with the overarching strategic documents, the National Strategy on Migration Governance and NSDI, and the EU membership process. Enhancing data collection and analysis on migration will be a key objective for ensuring that the policy framework is based on good evidence. In addition, Albania will remain an active partner in the regional, as well as in the global processes on migration and in ensuring that international commitments in the field of migration are retranslated into concrete actions.

The specific objectives and their major products are as follows:

#### **A. Ensure strategic governance of migration in Albania**

Legal approximation with EU and international standards and improvement of institutional capacities (both individually and through enhanced coordination) form a strategic priority for the Albanian Government. Its realization is essential for achieving substantial progress across all the pillars of state migration policy. It is expected that as a result, the legal and institutional framework will be in compliance with the European best practices, increasing Albanian state bodies' ability for forming effective partnerships in migration governance. The progress in this area is also of fundamental importance for making migration governance more transparent and able to respond to emergencies in a flexible manner. This strategic objective will be realized through the following specific objectives that will produce the following outcomes:

## A. Ensure strategic governance of migration in Albania

A1. Align national legal framework with EU and international framework on migration governance	A1.1 Ensure systematic adoption and implementation of international terms, norms and standards in the field of migration
A2. Enhance institutional capacities for migration governance	A2.1 Clearly defining competences of key GoA institutions and agencies and identify their capacities for migration governance
	A2.2 Improvement of migration data collection, analysis and sharing
A3. Improve coordination mechanisms for migration governance	A3.1 Improvement of horizontal and vertical coherence through enhanced operational and strategic co-ordination
A4. Enhance partnerships for migration governance	A4.1 Review of existing institutional partnerships on migration and formulation of new ones

## B. Ensure safe and orderly migration from, through and to Albania

Integrated border and migration management has taken a central position in Albania's efforts to reduce irregular movement across its borders and within the territory. This objective builds on the existing commitments, aiming at increasing effectiveness of control mechanisms for safe and orderly admission, stay and transit movement of foreigners and return and reintegration of Albanian citizens. It recognizes the importance of adequate allocation of resources to meet the challenges of evolving migration flows and of working out and enhancing mechanisms of co-operation with authorities of countries' of migrants' origin and destination.

This strategic objective will be realized through the following specific objectives that will produce the following outcomes:

## B. Ensure safe and orderly migration from, through and to Albania

B1. Effectively address irregular movements at the country's borders and within territory of Albania	B1.1 Continuous improvement of infrastructure at the country's borders and within territory in order to strengthen migration control while safeguarding migrants' rights.
	B1.2 Ensure efficiency of the border guard staff
	B1.3 Entry and stay procedures serving as effective instruments for preventing and reducing irregular migration
	B1.4 Minimize cases of irregular stay and transit through checks on the legality of stay, measures for proven violation of legality of stay and information provision
B2. Improve effectiveness of return mechanisms for foreign citizens	B2.1 Successful return of foreign citizens to their countries of origin through readmission and voluntary return
B3. Efficiently respond to irregular migration of Albanian citizens in EU member states	B3.1 Implement adequate measures for preventing irregular migration of Albanian citizens
	B3.2 Support return and reintegration of readmitted Albanian citizens
B4. Management of mix migration flows	B4.1 Develop strategic and operational frameworks to meet the challenge of massive mixed migration flows to Albania

### C. Develop an effective labour migration policy while enhancing the positive impact of migration in the national/local socioeconomic development

Labour migration of Albanian citizens is likely to remain a major factor of the country's development and application of a combination of measures is needed to reduce the scope of irregular migration, protect migrants' rights and maximize overall positive contribution of economic migration to local and national welfare. This objective aims to integrate migration policy more closely into the management of national labour market through providing incentives to the return of workers in demand, making better use of returnees' skills and promoting productive use of remittances and migrants' other contributions. Supplying prospective migrants with comprehensive information on their rights and opportunities is particularly important for facilitating more orderly forms of labour migration (circular and seasonal) and ultimately for encouraging return to the Albanian labour market.

This strategic objective will be realized through the following specific objectives that will produce the following outcomes:

<b>C. Develop an effective labour migration policy while enhancing the positive impact of migration in the national/local socioeconomic development</b>	
C1. Ensure an effective labour migration policy framework	C1.1 Include considerations of dynamics of emigration of Albanian citizens into the development, implementation and monitoring of national employment policies
	C1.2 Develop and implement proactive policies and schemes aiming at attracting Albanian and foreign workers with skills and qualifications in short supply in the Albanian labour market
	C1.3 Periodically monitor and forecast labour migration needs
	C1.4 Set up and implement an effective legal and institutional framework on labour migration
C2. Facilitate seasonal and circular migration for Albanian citizens	C2.1 Keep track of dynamics of seasonal/circular labour migration and the establishment of a regulatory framework
	C2.2 Foster International cooperation on circular migration
	C2.3 Ensure that pre-departure services for prospective Albanian migrant workers are in place
	C2.4 Strengthen institutional capacities on protection of migrant workers' rights
	C2.5 Facilitate return and socio-economic reintegration of the Albanian citizens
C3. Maximize the impact of migration to the national and local development	C3.1 Promote formal channelling and productive use of remittances and their productive use
	C3.2 Promote investment to Albania

### D. Promote and protect migrants' rights and their integration

The final pillar of migration governance concentrates on ensuring the favourable conditions for long-term integration of migrants in Albania. It seeks to do so through identifying current challenges facing non-nationals in exercising their rights guaranteed in Albanian constitutional and statutory legislation and proposing targeted measures to safeguard those rights. In particular, it recognizes the priority of raising migrants' awareness of their rights and facilitating their access to various forms of state support. Special attention is given to reducing barriers to effective enjoyment of rights by the most vulnerable categories (such as female migrants, children and youth).

This strategic objective will be realized through the following specific objectives that will produce the following outcomes:

<b>D. Promote and protect migrants' rights and their integration</b>	
D1. Ensure that a comprehensive non-discrimination framework effectively protects migrants' rights	D1.1 Extend legal guarantees of non-discrimination to all persons residing in the territory
	D1.2 Raise migrants' awareness of their rights and procedures for their enforcement
	D1.3 Improve effectiveness and monitoring of protection mechanisms
D2. Identify migrants as a vulnerable category in programming and delivering assistance	D2.1 Tailor assistance to meet specific needs of children and youth
	D2.2 Address specific needs of migrants
D.3 Improve conditions of migrants' socio-economic and cultural integration (both for Albanian and foreign citizens)	D3.1 Guarantee equal access to social security
	D3.2 Provide adequate access to housing, healthcare and education
	D.3.3 Design and implement dedicated integration programs
D4. Put migrants on a safe footing through according durable legal status	D4.1 Facilitate acquisition of long-term residence and make the status durable
	D4.2 Provide a clear path toward citizenship
	D4.3 Guarantee the legal status of family members

Indicators for measuring progress at the outcome level as well as for each proposed measure have been introduced in the Action Plan accompanying this strategy.

#### **PART IV. FINANCIAL RESOURCES**

This chapter summarizes the financial resources needed to implement the action plan for the "National Strategy on Migration Governance". The total estimated cost of implementing the measures, from all sources of funding, is around 309.7 million leks or approximately 2.5 million euros. Sources from the state budget are allocated to budget programs of line ministries and institutions that are responsible for implementing the action plan.

The allocation of funds for the period 2019-2021 is programmed taking into account the ultimate ceilings of the draft of medium-term budget (MTBF 2019-2021). Financial resources from the state budget cover about 80.8% of the strategy cost, or about 250.2 million ALL. Meanwhile the funding sources committed by donors cover 0.8% of the strategy cost or 2.7 million ALL.

The financial gap which is not covered by the budget is 18.3%. It is part of additional budget requests and negotiation with various donors, and consists primarily of the cost of complementary activities such as: independent assessments and studies, information campaigns, projects to increase accommodation capacities for migrants, pilot programs for the integration of vulnerable categories of migrants.

The necessary expenditures for the implementation of the NAPs are derived by costing each of the sub-measures of the action plan separately. In calculating total expenditures, the duration of the measure, the number of beneficiaries for certain activities, etc. is taken into account. The cost of the Action Plan is realized based on the practice for budget planning.

Table 1 presents the budget in years according to strategic objectives. 56.4% of the expenditures are needed for strategic objective B.

**Table 1: Budget according to strategic objectives for the period 2019-2022**

Description	Budget 2019-2022				
	Year 2019	Year 2020	Year 2021	Year 2022	TOTAL
Strategic Objective A: Ensure strategic governance of migration in Albania	3,360,000.00	6,069,000.00	4,026,000.00	4,026,000.00	17,481,000.00
Strategic Objective B: Ensure safe and orderly migration from, through, and to Albania	55,338,000.00	39,404,000.00	39,005,000.00	40,880,520.00	174,627,520.00
Strategic Objective C: Develop an effective labour migration policy while enhancing the positive impact of migration in the national/ local socioeconomic development	581,000.00	32,427,000.00	20,560,000.00	21,085,000.00	74,653,000.00
Strategic Objective D: Promote and protect migrants' rights and their integration	6,935,400.00	11,267,200.00	12,109,480.00	12,589,480.00	42,901,560.00
<b>TOTAL (1+2+3+4+5)</b>	<b>66,214,400.00</b>	<b>89,167,200.00</b>	<b>75,700,480.00</b>	<b>78,581,000.00</b>	<b>309,663,080.00</b>

Table 2 presents the budget according to the sources of funding and the financial gap for each of the specific objectives.



**Table 2: Cost of implementation of action plan by objectives 2019-2021**

Strategic objectives and objectives covered by the strategic document	Total Cost (in ALL)	Financing source		Financial gap	Comments on objectives with financial gaps
		Budget	Donors		
<b>TOTAL</b>	<b>303,663,080</b>	<b>250,246,520</b>	<b>2,760,000</b>	<b>55,656,560</b>	
<b>Strategic Objective A: Ensure strategic governance of migration in Albania</b>	<b>17,481,000</b>	<b>8,611,000</b>	<b>300,000</b>	<b>8,570,000</b>	
A.1 Align national legal framework with EU and international framework on migration governance	1,100,100	800,000	0	300,000	An independent assessment of the implementation of the conventions is planned; can be funded by donors
A.2 Enhance institutional capacities for migration governance	12,360,000	4,090,000	0	8,270,000	New Migrant Data Management Project; Additional allocation staff required for the strategy monitoring sector; consultancy for workshop and design of training modules
A.3 Improve coordination mechanisms for migration governance	1,668,000	1,368,000	300,000	0	

A.4 Enhance partnerships for migration governance	2,353,000	2,353,000	0	0	
<b>Strategic Objective B: Effectively address irregular movements at the country's borders and within territory of Albania</b>	<b>174,627,520</b>	<b>161,127,520</b>	<b>0</b>	<b>13,500,000</b>	
B.1 Effectively address irregular movements at the country's borders and within territory of Albania	110,304,000	110,304,000	0	0	
B.2 Improve effectiveness of return mechanisms for foreign citizens	3,400,000	3,400,000	0	0	
B.3 Efficiently respond to irregular migration of Albanian citizens in EU member states	39,046,000	39,046,000	0	0	
B.4 Management of mix migration flows	21,877,520	8,377,520	0	13,500,000	Project to increase accommodation capacities of migrants (2020)
<b>Strategic Objective C: Develop an effective labour migration policy while enhancing the positive impact of migration in the national/ local socioeconomic development</b>					

	<b>74,653,000</b>	<b>53,933,000</b>	<b>2,160,00</b>	<b>18,500,000</b>	
C.1 Ensure an effective labour migration policy framework	42,042,000	39,642,000	0	2,400,000	Needs assessment
C.2 Facilitate seasonal and circular migration for Albanian citizens	20,866,000	6,966,000	0	13,900,000	Evaluation; business support scheme, new project in 2020
C.3 Maximise the impact of migration to the national and local development	11,745,000	7,385,000	2,160,000	2,200,000	Survey, consultations
<b>Strategic Objective D: Promote and protect migrants' rights and their integration</b>	<b>42,901,560</b>	<b>26,515,000</b>	<b>300,000</b>	<b>16,086,560</b>	
D.1 Ensure that a comprehensive non-discrimination framework effectively protects migrants' rights	13,335,960	5,549,400	0	7,786,5000	The gap mainly for information campaigns; creation of a unit at the Labor Inspectorate (2021-2022)
D.2 Identify migrants as a vulnerable category in programming and delivering assistance	6,772,000	6,772,000	0	0	

D.3 Improve conditions of migrants' socio-economic and cultural integration (both for Albanian and foreign citizens)	14,479,600	6,179,600	0	8,300,000	Pilot program for integration of vulnerable categories of foreign citizens
D.4 Put immigrants on a safe footing through according durable legal status	8,314,000	8,014,000	300,000	0	

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## PART V. ACCOUNTABILITY, MONITORING

A dual system of monitoring will be set up, covering both the realization of particular objectives under all the domains of Government migration policy and the improvement of overall co-ordination of activities. This chapter outlines the institutional and operational framework needed for effective monitoring of the Strategy's implementation.

The progress towards achieving the objectives of the Strategy will be primarily measured against a set of indicators, tied to specific objectives and measures, as defined in the Action Plan. The responsibility for monitoring the timely completion of each measure in terms of objective performance indicators will lie with a lead Governmental institution, assigned to a specific measure, unless otherwise specified<sup>93</sup>. The lead institution will define detailed sub-indicators, establish the format and procedures for reporting and maintain regular communication with all responsible agencies. A focal point at the lead institution will be responsible for compiling regular reports on the basis of standard data, collected from the agencies every quarter.

A horizontal structure, the **Technical Secretariat on Migration**, will be established at the Ministry of Interior (under the Emigration Sector) to ensure that monitoring of the substantive progress is comprehensive, covering all the pillars of the Strategy and Action Plan, and up to date, relying on current and standard information. The Secretariat will co-ordinate the monitoring activities of all lead agencies by collecting quarterly reports for purpose of harmonization, identification of data gaps and analysis of trends. The unit will introduce a schedule for submission of reports as well as will provide technical assistance to focal points, clarifying questions of methodology. The Secretariat will integrate the inputs from lead agencies into a semi-annual progress report on the implementation of the Strategy and Action Plan that will be submitted to a **Technical Committee on Migration** led by the Deputy Minister of Interior and composed of Heads of Departments under each ministry/institution assigned with the responsibility of implementing the Strategy and Action Plan on Migration. The report will include detailed recommendations, addressing emerging issues in implementation of specific measures. The Technical Committee will commission the Technical Secretariat to co-ordinate activities to elaborate the draft of a comprehensive annual report, covering all the measures, set out in the Strategy and the Action Plan, and offering diagnosis of emerging issues and recommendations for remedial actions. The report will then be submitted to the Steering Group for review.

In addition, a Steering **Group on Migration** will be established as a consultative body for overseeing the overall progress in attainment of strategic migration policy objectives and improving co-ordination mechanisms. The Steering Group will include deputy ministers, representing institutions involved in implementing the Strategy. The Group will convene at least once a year to approve the general directions of activities in fulfilment of the Strategy, propose modifications to the schedule of activities and elaborate specific proposals on revising the scope of existing measures as well as adopting additional measures. The Steering Group will take into account the changing migration trends, the budget situation and the impact of other government strategies. The Steering Group may submit specific recommendations from its meetings to the Council of Ministers.

### Mid- term review of the Action Plan

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<sup>93</sup> In a few instances non-governmental institutions such as the Ombudsman will take the lead in the implementation of specific measures

The implementation period for the Strategy and Action Plan will be 2019-2022. Following the completion of the first two years of implementation, a mid-term review of the Action Plan may also be envisioned to take stock of migration trends and to adjust the budgetary planning with the mid-term planning of the Government. The work for the mid-term review will be led by the Technical Committee. The approval procedure for the revised Action Plan will be done as prescribed by the law and as applied in the launch of this Strategy and Action Plan.

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