**Information regarding to the implementation of Resolution A / Res / 74/148 on Migrant Protection in Albania.**

**General Implementation Measures**

**Legislation**

1. The Albanian legal framework in recent years, also in the spirit of EU legislation, has aimed at building a stronger and more coherent migratory policy. The normative acts on migration, in its implementation have been improved not only in terms of procedures for travel documents, visas, employment, residence, family reunification, but also in terms of protecting the rights of all migrants and their families.
2. During this period, several legal and sub-legal acts were adopted as follows: Law No. 108/2013, “On Foreigners”; Law No.74, date 14.07.2016 “On some additions and amendments to the Law no. 108/2013 "On Foreigners"; Law no. 13/2020 “On some amendments and additions to law no. 108/2013, “For Foreigners”, as amended; Decision no. 513, dated 13.6.2013 of the Council of Ministers “On the determination of the criteria of procedures and documentation for the entry, stay and treatment of foreigners in the Republic of Albania”, as amended;
3. Pursuant to Article 140 of Law no. 108/2013 “On Foreigners”, as amended, the responsible state authorities for the treatment of foreigners collect and administer personal data on foreigners from state bodies, private entities, Albanian or foreign nationals resident in the Republic of Albania, as well as by the foreigner himself. These data are recorded in the National Electronic Register of Foreigners;
4. Also applicable, Order no. 300 dated 12.06.2015, "On the compilation of national statistics on immigration and international protection", in support of Law no. 108/2013 “On Foreigners”, Law “On Asylum in the Republic of Albania” and Law no. 9180 "On Official Statistics", with the aim of unifying the compilation of national statistics on immigration and asylum (international protection) in accordance with the requirements of Regulation no. 862/2007 of the Council and the European Parliament, and their timely reporting. Pursuant to this order, the structure at the national and central authority responsible for border and migration at the State Police Directorate records in the "National Electronic Register of Foreigners" all the history of foreign nationals entering, transiting or staying in the territory of the Republic of Albania for various reasons;
5. In addition to improving the internal normative framework, during 2015-2019, Albanian legislation on migration has been enriched with the signing of cooperation agreements with neighboring and EU countries. Negotiations with the European Commission on the signing of the agreement of the status of FRONTEX, began in November 2017. On 5 October 2018, Albania signed an agreement with the European Union on border management cooperation between Albania and the European Agency for Border and Coast Guard (FRONTEX);
6. Since May 22, 2019, teams from FRONTEX have been deployed alongside Albanian border guards at the Greek-Albanian border to strengthen border management and increase security at EU external borders, in full compliance with it. all countries concerned; This operation marks a very important stage for border cooperation between Albania, the EU and its partners in the Western Balkans;
7. In the framework of strengthening cooperation with international partners, the following agreements, protocols and technical police memoranda have been finalized: the fight against terrorism and human trafficking, signed November 3, 2017; (ii) On 3 February 2018, a Protocol was signed between the Ministry of Interior of the Republic of Albania and the Ministry of Interior of the Republic of Northern Macedonia "On Cooperation in the Fight against Terrorism", which also established the contact points; (iii) On 8 February 2018, the Protocol was signed with MARRI, "On the Use of Common Interpretation in the Field of Immigration and Asylum", between the Ministry of Interior of the Republic of Albania, Northern Macedonia, Bosnia and Herzegovina, Serbia, Montenegro and Kosovo;
8. There is a continual increase in institutional capacity to cope with migratory challenges and to ensure respect for the rights of migrants by providing the necessary protection (especially for vulnerable categories);
9. A sustainable policy has been developed to combat illegal immigration and human trafficking. The Albanian Migration Normative Provisions (Law No. 108/2013 “On Foreigners”, as amended, and other Implementing Acts) provide for the conditions of treatment for foreign nationals from third countries caught at the border and territory, the imposition of measures. against undeclared work and illegal employment, and for the protection of victims of trafficking;
10. Most voluntary departure procedures have been applied in this regard and partly dealt with in the Closed Center for Foreigners in Karec, following the return procedures based on bilateral agreements between Albania and the countries of origin / transit;
11. Albanian Migration Normative Provisions (Law No. 108/2013 “On Foreigners”, as amended) provide for the rights of a detained foreigner in a closed center: A foreigner who resides in a closed center is recognized in the language that understands, or at least in the English language, any action taken by the responsible authorities to keep it at its center; Enjoys the right to human treatment with sufficient food, legal assistance at all times and health care; Enjoys the right to inform the Consular Representative of his or her detention; Enjoys the right to complain to the district court about a violation of his fundamental rights;
12. In line with the provisions of the Law on Foreigners, public institutions and NGOs provide foreigners with protection against all forms of discrimination throughout the process of integration into society and public institutions cooperate, with competence, with social partners, non-profit organizations and international organizations for the promotion and implementation of foreigners' integration programs in society. Direct and indirect discrimination by legal, public and private entities throughout the immigration process is prohibited;
13. There has been an expansion in the area of migrants' rights, Article 5 of the Law on Foreigners lays down special obligations and restrictions for the foreigner, the foreigner applies the Constitution, the laws in force as well as the decisions of the state authorities on entry, residence and departure from the territory of the Republic of Albania;
14. Articles 42 and 43 of the Constitution of the Republic of Albania provide that: Freedom, property and rights recognized by the Constitution and by law may not be violated without due process of law. Everyone has the right to a fair and public hearing by an independent tribunal within a reasonable time by the protection of his constitutional and legal rights, freedoms and interests, or in the case of charges brought against him, he has the right to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Everyone has the right to appeal against a judicial decision to a higher court, unless the Constitution provides otherwise;
15. Articles 16/1, 46/1 and 50 of the Constitution of the Republic of Albania guarantee the rights of foreigners in this field. Article 16/1 provides that: The fundamental rights and freedoms, as well as the obligations set forth in the Constitution, for Albanian citizens shall apply equally to foreigners and stateless persons in the territory of the Republic of Albania, unless the Constitution binds them to a special way of exercising certain rights and freedoms with Albanian citizenship; Article 46/1 of the constitution provides that: Everyone has the right to organize collectively for any lawful purpose; Article 50 of the constitution provides that: Employees have the right to freely join trade unions for the protection of their labor interests.

**Displaced Persons with Disabilities**

1. Law No. 108/2013 “On Foreigners,” as amended, provides in Article 106, in relation to the Removal Order and the Term of Execution, that the foreigner, a person with a disability, who has been granted an extension of the enforcement of the voluntary removal order is entitled to special services;
2. Best interest of the child, vulnerable persons, family life, as well as the health status of the foreigner subject to the removal order shall be taken into account at the time of execution of the alien's removal order;
3. Article 108, Law No. 108/2013 “On Foreigners”, as amended, which specifies the voluntary execution of the removal order, provides that the local authority responsible for border and migration shall give priority to the execution of voluntary return, especially for certain categories of persons, among others sick, disabled or disabled people.

**Best interest of the child**

1. In the work of the structures of the Ministry of the Interior, all national and international principles in the treatment of migrant children have always been respected for non-discrimination, the best interests of the child, family reunification and the principle of *non-refoulement*;
2. Migrant children and all the problems identified for this important social category have always been on the focus of the work of the Ministry of Interior, as a complete and permanent process, that has involved the necessary legal changes, refinement of working methods and qualification of the Ministry of Interior persons, working in the field;
3. The Albanian legal framework in the field of migration has undergone several changes, including amendments to the law on foreigners and approximation with EU legislation, with the aim of developing a stronger and more coherent migration policy respecting the rights of the child. The best interest of the child comes as a central principle, which is emphasized in all laws and by-laws;
4. Law no. 108/2013 “On Foreigners”, as amended, guarantees and defines the right of foreigners and their family members who are legally residing in the Republic of Albania, to establish a family or take care of family life;
5. Regarding the problems of unaccompanied minors, we pay particular attention to the full control of these movements and to taking concrete measures during the entry and exit of the citizens at the BCPs, which are registered in the TIMS system, to identify cases when the accompanying parent returns without the accompanying child, and all cases related to the juvenile delinquency offense have been referred to the district prosecution offices, and has also worked closely with the State Agency for the Management of Child Rights. cases of child in migration and cross-border situation;
6. In accordance with the legislation in force on foreigners, unaccompanied children, for whom a detention order has been issued, must be held in state social centers, or in another center, in co-operation with international organizations working with children, victims of trafficking, or with other categories of vulnerable persons. The child may only be kept in a closed center if it is in his or her best interest or must remain in a special environment away from adults. The child's stay in a closed center will be considered the last choice, for the short term and after consulting with the child, social worker and / or psychologist. The accommodation facilities are provided with all the necessary amenities and are regularly maintained;
7. According to Article 113 of Law no. 108/2013 “On Foreigners”, as amended, unaccompanied child may not be returned to the country of origin, or to another country, unless family reunification or appropriate health care is provided;
8. According to Article 53 of Law no. 108/2013 “On Foreigners”, as amended, The National Responsible Border and Migration Authority, for humanitarian reasons, issues a temporary type “A” of residence permit to a foreigner even if the conditions set forth in Article 34 of this Law or the criteria other general provisions of this law are not fulfilled, in case the foreigner is an abandoned minor, or is left without parental protection, guardianship or companionship for other reasons;
9. Instruction of the Minister of Interior no. 293/2015, “On the Procedures for the Treatment of Foreign Citizens with Irregular Residence in the Territory of the Republic of Albania”, regulates all standards and processes for the identification and registration of children, including unaccompanied children in the territory of Albania, or at border crossings, and includes the preliminary screening of irregular migrants;
10. The identification process is carried out at the border or within the territory and aims to determine the category of foreigner, classifying it as: a) subject to entry denial; b) asylum seekers; c) potential victim of trafficking; d) irregular immigrant; e) unaccompanied minor. The identification process is completed within a maximum of 10 hours from the time of escort;
11. When it is established that the foreigner subject to the identification procedure is a minor, unaccompanied, the national / regional authority responsible for the treatment of foreigners shall arrange for him / her to be accommodated in a state social center for children or other centers administered by international organizations or legal entities, Albanian or foreign, that carry out missions for children. The minor may be held in a closed center only in the best interest of his or her family in special premises separate from those for adults. Before detaining a minor in a closed center, the opinion of a social worker and / or psychologist is required;
12. Vulnerable categories such as unaccompanied children or families with children are interviewed in the presence of a social worker or psychologist after receiving assistance and accommodating in the intended setting. The procedure of determining the highest interest is undertaken as part of the interview process;
13. Based on the provisions of the Criminal Code of the Republic of Albania, the abandonment of a child under the age of 16 by a parent or a person who is obliged to care for him / her is punishable by a fine or up to three years of imprisonment.

**Victims of trafficking**

1. The Ministry of Interior has a National Coordinator's Office, which has the primary task of coordinating anti-trafficking efforts nationwide and in the four main pillars: Prevention, Protection and Assistance to Victims / Potential Victims of Trafficking, traffickers and persons involved in it, as well as the Partnership as between state institutions, independent state bodies, as well as domestic and international organizations, partners and active in anti-trafficking efforts;
2. Cooperation has increased with all national, international and regional partners to crack down on and prevent international trafficking and exploitation of people through signed conventions, cooperation agreements and protocols, information exchange and direct communications between state agencies in charge;
3. In order to have a coordinated action against the fight against trafficking in persons, all anti-trafficking actors implement the objectives of the Action Plan on Combating Trafficking in Persons 2018-2020, approved by DCM No. 770, dated 26.12.2018, monitored by the Office of the National Coordinator for Combating Trafficking in Persons;
4. Law No. 108/2013 “On Foreigners”, as amended, provides that during the recovery and reflection period, victims or potential victims of trafficking enjoy all the rights and services benefiting victims of trafficking under Albanian law in force; The national authority responsible for border and migration prioritizes the execution of voluntary return, especially for this category of persons (*victims of trafficking in human beings*) who wish to return to their country of origin; The highest interest of the child, vulnerable persons, family life, as well as the health status of the foreigner subject to the removal order shall be taken into account at the time of execution of the alien's removal order;
5. Instruction of the Minister of Interior no. 293, dated 4.6.2015 “On the Procedures for the Treatment of Foreign Citizens with Irregular Residence in the Territory of the Republic of Albania”, provides that the identification process is carried out at the border or within the territory and aims at determining the category of foreigner, by classified it as: a) subject to denial of entry; b) asylum seekers; c) potential victim of trafficking; d) irregular immigrant; e) unaccompanied minor;
6. The identification procedure is not necessarily carried out at the moment when the migration situation is ascertained. Vulnerable categories (*women, children, people with disabilities*) are provided with humanitarian assistance (food, clothing, medical assistance, etc.) as provided for in the standard procedure of border police and migration work, approved by order of the General Police Directorate of the State, No. 172, dated 08.02.2018 “On the process of selection of irregular foreigners”;
7. If the identification procedure identifies elements suspected of being a victim of trafficking or a potential victim of trafficking, the regional / local authority for the treatment of foreigners, referring to the guidelines for implementing standard operating procedures for identifying and referring victims. of trafficking and potential victims of trafficking, immediately notifies the structures of the fight against trafficking in the regional police directorate and submits the alien against the act of surrender to these structures;
8. Vulnerable categories are interviewed in the presence of the social worker and the psychologist, after being assisted and accommodated in certain settings. The procedure for determining their best interest is done as part of the interview process;

**Family reunification**

1. The Law “On Foreigners”, as amended, provides in its Article 55 “Family Reunification of a Foreigner with an Albanian Citizen”; The foreigner, who is a member of the family of an Albanian citizen, is granted a residence permit for the first time for not more than one year, unless otherwise stipulated in the agreement or this law; The residence permit is then renewed for a two-year period. This designation applies to the spouse of an Albanian citizen also to a minor who is not married and for whom the foreigner is a legal guardian;
2. Article 56 of the Law “On Foreigners”, defines “Family reunification of a foreigner with family members”; A foreigner who has a residence permit in the Republic of Albania may apply to the local authority responsible for border and family reunification migration; Unmarried children may apply for a residence permit for family reunification up to the age of 30, provided that the requesting foreigner (guest) guarantees to cover all living expenses for them; If the residence permit for family reunification is refused, the foreigner or his / her family members have the right to appeal according to the legislation in force;
3. With regard to the family reunification of refugees, Article 58 of the law provides that: Members of the refugee family enjoying the right to family reunification shall apply the provisions of the applicable law on refugees; The regional authority responsible for border and migration, upon request from the State Authority for Citizenship and Refugees, shall grant a refugee family member a residence permit.

**Regional and international cooperation**

1. Albania continues to actively participate in a range of bilateral, regional and international consultative processes in the field of migration. The 2030 Agenda for Sustainable Development has confirmed migration as an important global priority;
2. The Global Migration Agreement of July 2018, is expected to provide a unifying framework of common principles, commitments and understandings between Member States on all aspects of international migration, including humanitarian, development and human rights dimensions, while also improving international cooperation on migration. Albania is one of the countries that has set the 2030 Agenda as part of its national priorities and has also welcomed the Global Migration Agreement and its objectives;
3. Albania actively participates in several regional and international consultative processes on migration, such as the Budapest Process and the Prague Process. It is also part of various initiatives promoting mobility for work, more efficient management of migratory flows in the region, border security, free trade and development, as well as security. These include regional initiatives such as the Regional Initiative on Migration, Asylum and Refugees; Regional Cooperation Council; South East European Cooperation Process; South East European Law Enforcement Center; South East European Cooperation Initiative; Central European Free Trade Agreement; Central European Initiative; and the *Adriatic-Ionian* Initiative;
4. Albania is also a party to Memorandums of Understanding (MoU) and migration agreements with other countries in areas such as, for example, illegal migration, the fight against terrorism, organized crime, illegal drug trafficking, exchange of information on migration and control, and asylum issues. In addition, Albania is engaged in bilateral cooperation with key destination countries for Albanian nationals.

**Comprehensive policies and strategies**

1. Located in the Western Balkans region and surrounded by EU countries such as Greece (land border) and Italy (sea border), Albania has automatically become a transit country for migrant flows from Middle Eastern and North African countries. The number of foreigners detained irregularly during 2018 was 6 893 persons;
2. During the period January - October 2019, 9018 irregular immigrants were captured and treated, marking an increase of 50.6%, compared to the same period last year. The number of irregular immigrants from Iraq, Syria, Morocco, Algeria constitutes the largest number of irregular immigrants. Irregular immigrants from Iraq accounts for the largest number of total immigrants for the 10-month period of 2019 with a number of 2866 nationals.
3. This migratory dynamic, requires a comprehensive approach to migration governance in Albania, which is already reflected in the adoption, in June 2019, of the National Strategy on Migration and its Action Plan (2019-2022) by Council of Ministers Decision no. 400, dated 19.6.2019; Currently this document is in the process of being implemented by all responsible institutions;
4. The need to draft and approve the National Strategy on Migration (2019-2022) came as part of: Albania's EU integration process, to successfully complete negotiations on Chapter 24 of the EU acquis, which defines the governance of the migration as a core issue, as an obligation expressed in the National Strategy for Development and Integration (NSDI) 2016-2020 and as a need to address the shortcomings encountered in successfully addressing migration policies during these years;
5. The strategy and action plan are guided by the International Framework for Migration Governance (otherwise known as MiGoF) which was presented and welcomed by all IOM Member States (including Albania) in November 2015. This framework sets out the essential elements to support planned and well-managed migration. As such, it is the first and only internationally agreed document that describes how migration is well governed in a coherent and inclusive way. Importantly, MiGoF acts as a benchmark for governments in developing and evaluating "well-managed migration policies" under the Indicator (10.7.2) of the Global Sustainable Development Goal (SDG);
6. The vision of the National Strategy on Migration is inspired by global migration processes as much as by Albania’s EU integration process, so as to ensure a comprehensive and holistic response to migration challenges and opportunities;
7. In line with this vision, the Government of Albania has set as the following Policy Goal: ‘*Effectively govern migration in Albania to address challenges resulting from migratory movements and to enhance the impact of migration on development to the benefit of migrants and society*’;
8. The National Strategy on Migration centres on four strategic priorities, as follows:
* *Ensure strategic governance of migration in Albania*, by improving the legal framework for migration, further approximation with EU and international standards, and improving institutional capacity;
* *Ensure safe and orderly migration from, through and to Albania*, through integrated border and migration management, to reduce irregular movement across borders and within the territory. This objective is based on enhancing the effectiveness of control mechanisms for the admission, stay and movement of safe and regular foreigners and the return and reintegration of Albanian nationals;
* *Develop an effective labour migration policy while enhancing the positive impact of migration in the national/local socio-economic development of the country*, through the implementation of a series of measures to reduce irregular migration, protect migrants' rights and maximize the overall positive contribution of economic migration to local and national well-being;
* *Promote and protect migrants’ rights and their integration*, through providing favorable conditions for the long-term integration of migrants into Albania, seeking to identify the current challenges foreign nationals face in exercising their rights guaranteed by Albanian legislation and by proposing specific measures to protect these rights.
1. In implementing this policy document, it will also aim to increase the awareness of migrants of their rights and facilitate their access to various forms of support / services. Particular attention will be paid to reducing the barriers to effective enjoyment of rights for the categories of female migrants, children and youth;
2. During the period 2019-2020, a comprehensive review of the situation of the implementation of international instruments regarding their impact on the position of foreign nationals will be carried out, as well as the identification of specific gaps in the protection of these individuals. In particular, consider the provision in national legislation of certain rights for foreign nationals, as provided for in the Convention on the Participation of Foreigners in Public Life at Local Level;
3. Implementation of the Strategy's action plan has begun to provide a detailed assessment of integration conditions and barriers, as well as patterns of use of existing services, including interviews with foreigners residing in Albania, to identify the need for creation of dedicated integration programs.