



Briefing Note **Pre-Screening of Asylum-Seekers and Migrants in Albania (CARDS Project 2003)**

I. Background

Irregular migration through South-Eastern Europe has considerably increased in the past decade. Borders which used to be tightly closed became open and many thousands have made/are still trying to make their way towards Western Europe, most of them in search of better living conditions. While national security considerations of the States wishing to secure their borders are important and legitimate, the management of irregular migration must nonetheless be in conformity with international human rights obligations.

Albania is one of the transit countries of mixed flows including economic migrants, asylum-seekers and trafficked persons towards Western Europe. In 2001, UNHCR, IOM, & OSCE in close collaboration with the Government of Albania, in particular the (then) Ministry of Public Order, started developing a conceptual framework to enhance national protection capacities, based on a *three-pronged approach*.

The *Pre-Screening System* serves to identify at an early stage the irregular migrants who may be asylum-seekers, victims of trafficking or economic migrants and to channel them into the appropriate procedures. In a nutshell, until 31 March 2006, the system functioned as follows:

Once an irregular migrant was identified by the authorities, the mobile Pre-Screening Team (PST) based in Tirana was called. The PST, composed of UNHCR, IOM and Directorate for Refugees (DfR) of the Ministry of Interior arrived within 24 hours, if necessary accompanied by an interpreter, and interviews the irregular migrant. An assessment was made by the PST whether he/she falls or may fall under one of the three categories (i.e. asylum-seeker, victim of trafficking or economic migrant willing to return to his/her country of origin); the person was referred to the responsible authorities and was taken by the PST to the appropriate reception facilities. Irregular migrants who did not fall in any of the above categories were left in police custody. The OSCE Field Station in the area maintained contact with the PST and assisted the irregular migrants until the PST arrived.

On 1 April 2006, the pre-screening system was handed-over to the Albanian authorities, in particular the Border and Migration Directorate of Ministry of Interior, while UNHCR maintains a monitoring and support role, in the framework of its Mandate.

The Pre-Screening System contributes to the prevention of unlawful expulsion of asylum-seekers and the provision of appropriate assistance to victims of trafficking and those irregular migrants who express their wish to return. It became operational as a pilot project in 2001, based on an administrative instruction issued by the (then) Minister of Public Order to all Police Commissariats in Albania, and a Memorandum of Understanding (MoU) concluded in April 2002 between the partner organisations.

Acting upon its humanitarian Mandate to protect refugees, and working in close co-operation with other international organizations, UNHCR has made an effort to address the complex issues arising from irregular migration in a holistic manner. The 'three-pronged approach' draws upon the expert involvement of relevant organizations according to their respective mandates and capacities, in response to the increasing need for management of mixed migration flows. During February 2001 to March 2006, a total of **836** persons were pre-screened, of whom **216** asylum-seekers, **150** victims of trafficking and **470** economic migrants.

In recognition of the effectiveness of the pre-screening system and its potential to provide the Albanian Government with an efficient tool for management of irregular migration, the European Commission agreed to (co-) fund the Project *Pre-Screening of Asylum-Seekers and Migrants* which includes the extension of the pre-screening system to all border points, its further improvement, and consolidation through training of border police/border guards, establishment of temporary accommodation facilities in 8 border-crossing points, and ultimate handover to the Albanian authorities. A Grant Agreement was signed between UNHCR Tirana and the European Commission Delegation on 23 March 2004, providing for a 2 million Euro contribution from the European Commission. Co-funding for project implementation as well as related inputs are also provided by the Project partners UNHCR (Project Coordinator), IOM, OSCE and DfR.

II. Summary of Previous Achievements

Prior to conclusion of the Agreement between UNHCR and the EC for the implementation of the *Pre-Screening Project*, the following were already in place, facilitating the extension of the pre-screening system to border areas:

- All the basic legal instruments had been adopted and Albania had become a party to the relevant treaties and conventions and a National Action Plan on Asylum was adopted by MoPO;
- The main authorities involved, in particular the police (excluding the border police), had received training;
- The entire pre-screening exercise was supported by the central authorities;
- Babrru National Reception Centre (NRC) for Asylum-Seekers and Linza NRC for Victims of Trafficking and Irregular Migrants based in Tirana, with a capacity of approximately 150 persons, each, were operational;
- IOM, UNHCR and OSCE in close collaboration with government counterparts had been able to find solutions for a sizeable number of persons of concern.

III. Project Objectives

The overall objective of the *Pre-Screening Project (CARDS)* is to strengthen the capacity of Albania to develop and implement migration policies and best practices according to international standards. The specific objective includes:

- consolidation and further development of the existing procedures for referral of asylum-seekers, irregular migrants and trafficked persons;
- improvement of the efficiency of the pre-screening procedure within Albania's overall migration management strategy, its sustainability and successful handover to the authorities;
- raising the profile of migration management issues; encouraging the perception of asylum and migration issues as important, at both national and regional levels, from political and operational standpoints.

IV. Present Status - Achievements during April 2004 – April 2006

Pre-screening

- ⇒ A Ministerial Instruction was issued in October 2004, extending the pre-screening system to the border points.
- ⇒ The Pre-Screening Team (PST), including experienced staff members of UNHCR, IOM and DfR was fully operational both in-country and at border checking points. A 24-hour pre-screening roster was agreed in order to cover all referrals from police/border police, and a unified pre-screening form; an updated directory of contacts was maintained, and the co-ordination of the PST was taken over by DfR in January 2005.
- ⇒ Management of Babrru NRC has been taken over by DfR, in November 2004, while UNHCR continued to provide financial support and technical assistance.
- ⇒ The *pre-screening procedure* was established as well as the referral system, ensuring that individual(s) who seek asylum are transferred to Babrru NRC for asylum-seekers (currently under Ministry of Interior/DfRN management with financial support from UNHCR), while victims of trafficking and economic migrants who or opt for voluntary return are transferred to Linza NRC for victims of trafficking and irregular migrants (under the management of the Ministry of Labour, Social Affairs and Equal Opportunities, with IOM supervision and financial support).
- ⇒ During 2004 – March 2006, the PST pre-screened 162 persons, of whom 38 asylum-seekers, nine victims of trafficking, and 115 irregular economic migrants.
- ⇒ The OSCE Field Stations facilitated the work of the PST whenever needed, and maintained links with the local police, assisted with training events, awareness activities, monitored and provided ad hoc support to temporary reception facilities established at border points, provide information materials for dissemination to police and individuals in need.
- ⇒ A Memorandum of Understanding between all the partners in the Pre-Screening exercise was signed in June 2005 by Heads of UNHCR and IOM, Ambassador of OSCE Presence and (then) Minister of Public Order in a ceremony organised at the (then) Ministry of Public Order.
- ⇒ A Working Group on Hand-Over process was established and had several meetings to prepare for the take over by Albanian authorities of the pre-screening system, in March 2006.
- ⇒ A Concept Paper was submitted to the authorities on 15 November 2005 and feed-back on this Paper was received from the Minister of Interior on 9 January 2006. In his letter, the Minister officially confirmed that the Directorate of Border and Migration (the Border Police) will be the structure that will continue the pre-screening process, and fulfil all its legal obligations.

- ⇒ Another Memorandum of Understanding was signed between the project partners and the Ministry of Interior on 27 March 2006, focusing on the hand-over of the pre-screening system to Albanian authorities.
- ⇒ As of 1 April 2006, the Pre-Screening of irregular foreigners identified at the border or inside the country is the responsibility of Border and Migration Police (BMP). The procedure proposed in the Concept Paper establishes that BMP staff will assess whether an irregular migrant is an asylum-seeker, a victim of trafficking or an economic migrant, based on a Pre-Screening Interview and using the Pre-Screening Form, which will be signed by the interviewing officer and the irregular migrant himself/herself. BM Directorate will contact the authority responsible to deal with the case, convey a copy of the PS Form and organise transport of the irregular migrant to appropriate reception facilities.

Implementation Methodology: The *Pre-Screening Project* was implemented through annual Sub-Project Agreements between UNHCR (Project Coordinator) and its (implementing) partners IOM, DfR, OSCE.

Sub-Project Agreements with IOM included the following components:

- a) Rehabilitation of reception facilities:
 - 11 temporary reception facilities were rehabilitated and/or furnished at border points Shëngjini Port, Durrës Port, Tre Urat, Kakavija, Bllata, Livadhja, *Nënë Tereza* Airport, Kapshtica, Kukes Hani i Hotit and Saranda.
 - Heating system was installed at Linza reception centre for victims of trafficking and irregular economic migrants.
- b) Training of border police, border guards, staff of Linza NRC:
 - Five-day training courses were held at Police Academy, in co-operation with Law Faculty, School of Magistrates and General Prosecutor's Office, for 340 border police officers .
 - One-day *acclimatisation* sessions were delivered to 940 border guards (basic level), in 23 regions: Saranda, Shkodra, Lezha, Fier, Kavaja, Durrës, Rinas, Pogradec, Korça, Devoll, Erseka, Has, Gjirokastra, Përmet, Dibra, Bulqiza, Tropoja, Kukës, Delvina, Vlora, Himara, Librazhd, Lushnja.
 - Four Cross-Border Workshops were organized for border police, one with Montenegro in Shkodra, one with Macedonia in Korça and two with Greece in Saranda and Pogradec respectively.
 - A two-day training of 17 government staff from Linza NRC was conducted.
 - Two training manuals were published, including the subjects covered during the training, in 300 copies for border police officers and in 1,500 copies for border guards;
 - An Evaluation Workshop on the training of border police was held in November 2005 in Tirana.

Sub-Project Agreements with DfR included strengthening of DfR's operational capacity, through staffing and equipment/vehicle support and rehabilitation of Babrru NRC premises. In addition:

- A one-day training session on asylum and community services to asylum-seekers was organized by UNHCR for the staff of Babrru NCR;
- A one-day training was provided to Security Officers of Babrru NCR.
- English language training was provided to operational staff of Babrru NRC.

Sub-Project Agreements with OSCE included:

- strengthening of OSCE's capacity to support the pre-screening process, to maintain operational contacts at the local level, to monitor the identification and referral of foreigners by police and border police;
- provision of food/other relief assistance to persons of concern sheltered in temporary reception facilities;
- a study tour to five European countries (Austria, Slovenia, Italy, France and Croatia), for border police officials, which took place during 29 May - 9 June 2005.

Direct implementation by UNHCR included:

- a) Two study visits by relevant authorities - one study visit to the Czech Republic was conducted in December 2004 for 9 Albanian officials, and another one to The Netherlands, in March 2006 for 12 Albanian officials, allowing them to familiarize with asylum, migration and border management systems. Another study visit, to Romania, is also planned, for the end of May 2006.
- b) Procurement of the necessary vehicles and office equipment for project operational needs;
- c) Hand-over of Babrru NRC for asylum-seekers. Babrru was taken over by the Government of Albania, (DfR), in November 2004.
- d) Quarterly Newsletter (four issues have been published in English and Albanian), reflecting the project activities, for distribution to border police and donors; Information Video on the pre-screening procedure; Briefing Kits for donor Embassies, International Organizations, UN Agencies and high Government officials; Information leaflets on pre-screening, translated into 16 different languages; Civil Society and Media Seminar; other public information and visibility activities;

- e) A poster and a “Calling Card” were produced and distributed to border checking points.
- f) Pre-Screening consolidation and the hand-over process. Following successive working groups with project partners and stakeholders, a Concept Paper on the best-preferred scenario for a Government-run pre-screening system and the Memorandum of Understanding on the pre-screening hand-over, a Minister’s Instruction is being prepared, which will give the border police and public order police clear competencies and guidelines regarding pre-screening of irregular foreigners.

V. Co-ordination, Monitoring and Reporting

Co-ordination among project partners is achieved through:

- Management Committee Meetings (monthly) – to share information, raise issues of concern and agree of future actions;
- National Team Meetings (every four months) – to revisit the main project components, to strengthen the links between the relevant authorities and the project partners, to analyse baseline data and inform further strategic decisions. Four National Team Meetings were held in October 2004, May 2005, October 2005, and 17 March 2006, respectively.
- Steering Committee Meetings (following submission of interim reports) – to jointly review the progress reflected in interim reports and provide policy guidelines. Membership of SCM includes high-level officials from Ministry of Interior, and Heads of partner organizations EC, UNHCR, IOM and OSCE. Four Steering Committee Meetings were held in September 2004, May 2005 and November 2005, and 27 March 2006.

Monitoring of project activities is ensured through joint field visits, analysis of reports produced by project partners, meetings and discussions with stakeholders. The EC monitoring missions (August 2004, June 2005, and February 2006) provided additional opportunities to take stock of project progress. A mid-term EC evaluation mission took place in November 2005. An Evaluation Report on the Project was submitted early January 2006 and extensively discussed in a Workshop on 17 January 2006. Successive monitoring missions were conducted by joint teams of UNHCR, DfR, OSCE to Border Checking Points, to assess the impact of the project and the preparedness of local authorities to take over the system.

Reporting requirements under the Agreement with the EC include an *Inception Report*, which was submitted to the EC Delegation in 2004, the *First Interim Report* which was submitted in March 2005, the *Second Interim Report*, which was submitted in March 2006 and a *Final Project Report*, due end of August 2006.

Link with the Regional CARDS Programme: Albanian authorities and relevant members of the project team participated in the Regional CARDS seminars organised in BiH (April and August 2004, April 2005), Croatia (May 2004, June 2005), Albania (September 2004, September 2005), Macedonia (December 2004, November 2005), Serbia (February 2005). The closing conference of the Regional CARDS project was held in Brussels, Belgium on 14 December 2005. Over the last two years the project assisted the governments in the Western Balkans to take further steps towards full alignment of their legislations, institutional structures and procedures in the areas of visa, migration and asylum with EU standards in a regionally compatible way. A ‘Roadmap on Integrated Asylum, Migration and Visa Management in the Western Balkan’ was published.

VI. Major Activities during April - May 2006

- **Pre-screening:** the pre-screening of irregular foreigners is carried out by the Border and Migration Police. Specialised staff of DfR and UNHCR will continue to support the police authorities until end of June 2006.
- **Training/Awareness/Monitoring:** follow-up awareness sessions for officers/monitoring visits to the field.
- **Accommodation facilities:** DfR and UNHCR provide accommodation and basic assistance to asylum-seekers. Ministry of Labour, Social Affairs and Equal Opportunities and IOM provide accommodation and basic assistance to victims of trafficking and irregular economic migrants.
- **External relations and public information:** the Project achievements are disseminated through regular contacts with the authorities and donors. Visibility materials are also distributed to all stakeholders. The final issue of CARDS Project Newsletter will be produced by mid-June 2006.
- **Hand-over to Albanian authorities:** Hand-over of all project assets to Albanian authorities will be carried out by mid-June 2006).