HoD, Ms. Dajna Sorensen, Deputy Minister of Finance and Economy in charge of the labor portfolio, is unable to be in Geneva due to unforeseen engagements in the capital. PermRep will head delegation on behalf of Deputy Minister.

I wish to thank the Committee Secretariat for its support in preparing for the consideration of Albania’s report. We view the reporting process in the treaty bodies, the dialogue with the respective Committees, as an important tool to ensure compliance with Albania’s international obligations, to share our progress and challenges in their implementation.

We value the opportunity to engage once again with the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW), perhaps even more so in the current climate, where t**he situation of migrants remains a pressing concern, and** decent and dignified work have the attention of policymakers at both national and international levels.

Albania is party to all the United Nations human rights conventions, including the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. We are proud that an Albanian national sits in this Committee, a clear indication of the importance that we attach to the Committee’s mandate.

The delegation looks forward to a constructive and open exchange with the Committee.

We would like to briefly present today an update to the common core document, as well as some answers to the specific questions raised in the list of issues.

The report was submitted late, mainly for reasons of administrative reorganization.

During the reporting period, a series of measures were taken to improve the legal, policy and institutional frameworks with regard to migrant workers, in accordance with the obligations under the Convention and the specific recommendations of this Committee.

Several changes to the national legal framework in the area of migration, including amendments to the Law on Foreigners, aim to build a stronger and more coherent migratory policy. Implementation of several normative acts has also been strengthened, such as procedures regarding travel documents, visas, employment, residence and family reunion.

Let me highlight some key legal and sub-legal acts that were adopted during the reporting period:

1. The Law no. 108/2013 “On Foreigners”, clearly provides that foreigners enjoy the rights and obligations envisaged by the Constitution, unless the Constitution explicitly reserves the right to citizens.

A DCM no. 513/2013 defined the criteria for the procedures and documentation required for the entry, stay and treatment of foreigners in the Republic of Albania.

It was further amended in 2016, through Law no. 74/2016, “On some additions and amendments to Law no. 108/2013 “On Foreigners”.

As amended, the Law on Foreigners guarantees the right of foreigners who legally reside in the Republic of Albania to create or maintain family life. It defines the rules for exercising this right, as well as the rights of family members of migrants.

1. The Law on Asylum was adopted in 2014. It regulates the procedures for asylum; identifies the responsible authorities; and provides for the rights of asylum seekers and refugees, their subsidiary and temporary protection.

Following the entry into force of the Law on Asylum, a number of Decisions of the Council of Ministers (DCM), orders and instructions were adopted, such as an Instruction “On the entry and treatment of undocumented foreigners” and the Order of the Minister of Interior ‘On the Procedures and Rules for transferring a case from the Responsible Authority for the Border and Migration to the Authority Responsible for Asylum and Refugees (adopted in 2015).

Both the Law on Foreigners and the Law on Asylum are based on the principle of *non-refoulement*.

1. The rights of child asylum-seekers, refugees and the stateless are additionally safeguarded by Law no. 18/2017 “On the Rights and Protection of the Child”. This Law provides for several safeguards, including a requirement to appoint a guardian for a child, priority in handling the asylum application of children and non-separation of the child from the family.

In addition to the Law on the Rights and Protection of the Child no. 18/2017, the Law on Social Services no. 121/2016 envisages specific protective measures for children and persons in need of protection/vulnerable categories.

All immigrants, irrespective of their status, enjoy the same access as nationals to government-funded health services, including medical emergency.

Asylum-seeking children have a right to education and can attend the educational institution located in the vicinity of the center (pre-school, primary and secondary school, based on their interests). A legal status and birth certificate are not required for enrolment in schools. However, the child has to have validation of vaccinations from the health center and school certificates for the class that she/he concluded. An Albanian language course is offered to assist with their integration.

1. Furthermore, the Law on Social Care Services (2016) and the Law on Free Legal Aid (2017) encompass asylum seekers and refugees/persons granted subsidiary protection.
2. Pursuant to the Labor Code, two Decisions of the Council of Ministers regulating the activity of private employment agencies were approved:
   * DCM no. 101, dated 23 February 2018, “On the Organization and Functioning of Private Employment Agencies” provides information, counseling and mediation services to citizens, including those returning from emigration, as well as those who want to emigrate for employment.
   * DCM no. 286, dated 21 May 2018 “On Certain Rules for Temporary Employers Employed by Temporary Employment Agencies”.
3. Order no. 300/2015 “On the Drafting of National Statistics on Immigration and International Protection” provides for improved unification, collection and compilation of national statistics on immigration and asylum.

The Electronic Foreign Data Registry produces statistics on foreigners with regular residence, disaggregated by age, sex and citizenship, as well as on those with irregular status. The Asylum and Citizenship Directorate is developing an Asylum-Seekers Database, which will enable the identification of disaggregated data.

1. Instruction of the Minister of Interior No. 293/2015 “On Procedures for Treatment of Foreign Citizens in Irregular Position in the Republic of Albania” provides the standards and processes of identification and registration of children, including unaccompanied children, found in the territory of Albania or at border crossings, and includes pre-screening of irregular migrants.

The procedures are further developed in the standard procedures of border police and migration (Order no. 146/2018 of GDSP).

1. Order no. 1146/2014 of the Minister of Interior “On the Approval of the Standard Operational Procedures (SOP) for border and migration” includes technical details on the procedures for pre-screening of irregular foreigners, during their operations.

Law no. 108/2013 ‘On Foreigners’, as amended, guarantees and defines the right of foreigners and their family members residing legally in the Republic of Albania to create or maintain family life.

A foreign member of an Albanian family is granted a residence permit that is reviewed every two years; this also applies to a minor for whom a foreigner is the legal guardian. Between 2012 and 2017, 9,617 individuals were issued a residence permit on the grounds of family reunification.

Immigrants may apply for permanent residence if they have continuously resided in Albania for at least five years and they meet certain additional conditions. The path to citizenship through naturalization begins after an immigrant has lawfully resided in the territory of Albania for no less than five consecutive years, according Law “On Albanian Citizenship”.

Permanent residents and those holding family reunification permits have the same access to employment and self-employment as nationals. Equal employment rights are granted to refugees through a special work permit. Migrants with temporary residence permits, however, have the obligation to work on the specific position for which the work permit was issued. All migrants employed in Albania have the same employment rights, pursuant to the Labor Code, as nationals.

Migrant workers and members of their families enjoy equal rights with Albanian citizens as regards the right to social benefits, such as economic aid or social care. The Law “On Protection from Discrimination” aims to ensure the right of every person to equality before the law and equal law protection, equality in opportunities and opportunity to exercise the rights, to enjoy freedom and to participate in public life.

Immigrants also have access to primary and secondary education, irrespective of their legal status, as per the Law on Pre-University Education (2012). However, the registration of a child in a public school requires a document of residency that is issued by the municipality. Foreigners with irregular status cannot obtain such a document, and consequently are not able to enroll their children in school.

Albania’s migration legislation gives priority to the voluntary return of certain categories of persons, such as unaccompanied minors, the sick, disabled persons, and parents with young children.

The reception capacity for asylum seekers doubled in 2017 and 2018 through the expansion of the National Reception Centre for Asylum-Seekers (NRCA), the renovation of the municipal center for temporary accommodation in Gjirokastër and the availability of a reception facility in Shkodër.

Persons, including children, who are seeking asylum are accommodated at the National Reception Centre for Asylum-Seekers (NRCA), where they are immediately provided with psycho-social assistance, legal aid and health care. Law 121/2014 ‘On Asylum in the Republic of Albania’ provides for the appointment of a guardian to unaccompanied minor asylum-seekers, as per the rules and procedures provided for by the legislation in force. The Asylum and Citizenship Directorate conducts the asylum application procedure; the best interests of the child constitute a prevailing consideration throughout the asylum application procedure.

UNHCR is assisting the border police and migration officers with logistical and technical assistance, including provision of training to border police officers. In the framework of institutional capacity building, UNHCR supports the social center for accommodation of vulnerable migrants and refugees.

According to Law No. 108/2013 ‘On Foreigners’ as amended, an unaccompanied child cannot be returned to their country of origin or another country if the arrangements for family reunification or proper health care cannot be assured. Up until now, no unaccompanied foreign child has been returned to their country of origin or residence. Furthermore, the process of returning unaccompanied children is provided for in Law No. 18/2017 ‘On the Rights and Protection of the Child’, while the procedural framework for the return of unaccompanied Albanian or foreign children is currently being drafted.

Joint Order No. 332/3/2014 of the Directors of State Police and State Social Services, ‘On Measures for the Reception and Social Treatment of Unaccompanied Minors Who Have Returned or Who are Readmitted from Other Countries’, governs the processing of unaccompanied children returning to Albania.

Between 2013 and 2018, 1,131 requests for social assessment were made to the State Social Services, of which 845 were carried out. In order to address these critical problems and with the intent to minimize this uncommon phenomenon of unaccompanied or separated minors, several meetings have been organized with representatives of migration agencies of countries such as Germany, France, Sweden, Belgium, Greece etc.

Cooperation in this area is focused on obtaining information from the requesting countries and enabling safe return/readmission of unaccompanied or separated minors to their families or their surrender to the state entity which is entrusted by the law with their reception. Cooperation of the border and migration police structures with the state social service has been ongoing.

In 2014, the Ombudsperson’s Office prepared a report *On emigration and numerous related issues*, aiming to direct the attention of the Albanian Parliament and state institutions towards this issue. The report focused upon, *among others*, the identification documents of Albanian nationals born abroad and the integration of children of returned families into the school system. The report is yet to be reviewed by Parliament.

With regard to the activity of private employment agencies, the by-laws adopted in 2018 aim to regulate the functioning of private employment agencies in terms of providing information, counseling and mediation services to citizens in the Republic of Albania, including those returning from emigration as well as those who want to emigrate for employment. It is also intended to monitor the activity of agencies in order to avoid various abuses in employment.

Bilateral social security agreements are another important instrument for protecting the rights of migrant workers. On the coordination of social security systems, bilateral agreements on social security are in place with Belgium, the Czech Republic, Germany, Luxembourg, Hungary, Austria, Romania, North Macedonia and Turkey. Negotiations are ongoing with Switzerland, Kosovo and Canada. There have been initial exchanges on coordinating social security schemes with countries such as Bulgaria, Spain, France and Croatia.

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Allow me to provide some detailed information on the Albanian strategic framework on migration.

The consolidation of migration policies and of the management and coordination structures is one of the strategic objectives of the Albanian Government.

Two key policy documents provide measures on migration, including on migrants’ rights: the National Strategy for Development and Integration 2015-2020, and the National Strategy for Integrated Border Management 2014-2020.

The National Strategy for Development and Integration (NSDI) 2015-2020, adopted in May 2016, includes a specific section on migration management, which was developed by IOM upon the request of the Albanian Government. The NSDI foresees the development of a new migration management policy in compliance with international migration governance standards, aiming to promote safe and regular migration; to prevent irregular migration; to enhance the development impact of migration and the sustainability of return; to ensure equal treatment and integration of immigrants; to consolidate the legal framework, management structures and coordination; as well as to ensure better response to migration challenges.

The National Strategy for Integrated Border Management 2014-2020, approved by DCM no. 119, dated 5.3.2014, provides for co-ordination and co-operation between all authorities and agencies involved in border security and trade facilitation, with a view to improving the effective integrated border management systems.

The first National Strategy on Migration 2005-2010 integrated a number of elements that contributed to the country’s development, such as: better protection of the rights of Albanian emigrants in their host countries; support for a better integrated Albanian Diaspora; encouraging the use of remittances sent by emigrants to Albania for productive investments in the country; establishment of an adequate labor migration policy; as well as support to strengthening the institutional and legal framework for the effective implementation of the strategy measures.

The responsible institutions, under the lead of the Ministry of Interior and with the support of IOM, have prepared a new National Strategy on Migration Governance and its Action Plan 2019-2022. The draft Migration Action Plan of the new National Strategy on Migration Governance 2019-2022 envisages measures on the information of foreign nationals working in Albania on their rights, as well as on the Albanian legislation that regulates their employment in the country. Measures are also envisaged relating to the information in the language of immigrants and training. The strategy will further strengthen the migration legislation and management structures, improve migration-related data collection, and address emigration from the country.

The Draft National Strategy on Migration Governance focuses on *four strategic priorities*:

* To guarantee strategic migration governance in Albania;
* To ensure safe and secure migration from, through and towards Albania;
* To develop effective policies for labor migration, by increasing the positive impact of migration on national/local socio-economic development;
* To promote and protect the rights of migrants and their integration.

During the consultation period, relevant information was published on a dedicated government portal; at the same time, consultative meetings have been held with civil society, the academia, business associations, development partners, representatives of EU member states, UN agencies, international organizations, etc.

The draft decision for approval of The National Strategy for Migration Governance and its Action Plan 2019-2022 is expected to be approved within the first half of 2019.

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The sustainable return and reintegration of Albanian returnees and their family members, regardless of the form of return, has been addressed through implementation of the Action Plan of the Reintegration Strategy for Returned Albanian Citizens 2010–2015. The action plan has strengthened the existing legislative and institutional framework and the capacities of relevant structures in supporting reintegration. The services provided for returnees and their families include transport from border crossing points to the nearest urban centers (for vulnerable groups to the nearest residential centers), the provision of information, water and medication, etc. The number of Albanian citizens applying for asylum in EU countries is steadily decreasing.

Albania has significantly strengthened its efforts to prevent unfounded asylum applications lodged by Albanian nationals in EU member states and Schengen associated countries.

The State Police has undertaken a series of preventive measures, such as the strengthening of control of Albanian citizens crossing the state border, as well as awareness raising measures: from the production and distribution of some 60,000 leaflets and 100 billboards, to the engagement of media through informational advertisements, to seminars, all with the aim to raise awareness on the rules on movement.

As a result, in the first semester of 2018, the number of Albanian citizens that applied for asylum in EU countries was or 38% less than during the same period of 2017 [8,485 vs. 13,608 applications].

* An Action Plan of the Albanian State Police “On the prevention of the asylum-seeking phenomenon of Albanian citizens in EU/Schengen States” was adopted in May 2018 and is under implementation.
* Two other Action Plans are being implemented addressing the issue of unaccompanied Albanian minors in Italy and the issue of Albanian asylum seekers in France. In addition, Albania has increased the cooperation and the exchange of information with the EU countries and intensified the readmission operations in cooperation with FRONTEX.

Controls carried out in accordance with the abovementioned Action Plans have increased the number of Albanian nationals not allowed to cross the border for not meeting the conditions. In January – June 2018, 10,726 persons (including 720 minors) were not allowed to leave the country, while during the same period of 2017, there were only 915 people (447 minors).

For the period January – June 2018, the number of Albanian citizens deported from EU countries is 8,201 while for the period January – June 2017 the number was 10,404, therefore there is a decrease by 2,203 citizens. The number of returned citizens as inadmissible has decreased by 3,935 for January – June 2018, as compared to January – June 2017. In 2018 two cases of unaccompanied minors have been identified and are under custody.

For the period of January – June 2018, 170 Albanian citizens have been apprehended while possessing forged and non-valid travel documents. 634 Albanian citizens were apprehended for illegal border crossing in 2017 and 988 in January – June 2018.

Albania has fully implemented its obligations under the readmission agreement with the EU.

* In 2017 1,411 requests for readmission have been addressed and responded, while for the period January – June 2018, 1,070 readmission requests were addressed, and positive responses have been provided to 944.
* 498 requests for readmission of unaccompanied minors were handled in 2017 and 327 unaccompanied minors were readmitted versus 161 readmitted during 2016. Over the period 1 January – June 2018, 211 requests were processed and 71 minors were repatriated.
* All cases of readmission of unaccompanied minors have been handled in cooperation with the state social service.
* In the framework of the Cooperation Agreement with FRONTEX and the destination countries, in 2017 a total of 2,243 repatriation operations of Albanian citizens were carried out, while for the period January – June 2018 a total of 1,066 repatriation operations of Albanian citizens were carried out with 5,319 citizens.

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We would like to provide you some data on Foreigners and Asylum Seekers in Albania, according to INSTAT. The data is for the year 2017 and comparison is drawn with the previous year.

The number of foreigners with residence permits in Albania in 2017 was 12,609, an increase of 3.1 % compared to 2016.

During 2017, the number of resident foreigners was 8,395 males, up by 0.9 % compared to 2016 and 4,511 females, an increase of 7.5 % compared to the previous year.

In 2017, foreigners with origin from European countries were 7,637 and counted for 59.2 % of the total number of foreigners compared, with 66.5% in the previous year.

Foreigners for employment reasons, in 2017, were 6,334 and made up for 49.1 % of the total number of foreigners, compared to 50.0 % in 2016.

Irregular foreigners, identified in 2017 numbered in 1,049 people, an increase of 14.6 % compared to 2016. They were mostly from Syria, Algeria and Libya.

There were 309 asylum seekers in Albania in 2017, an increase of 28.8 % compared to 2016.

Analyzing the country of origin of asylum seekers, in Albania we understand that most of the cases are those of Syria with 110 asylum seekers, Algeria 61 asylum seekers, and those originating from Afghanistan 29 asylum seekers in 2017.

In 2017, 316 people acquired Albanian citizenship, an increase of 12.5 % compared to 2016. In 2017, 651 people successfully applied for withdrawal of Albanian citizenship, an increase of 32.9 % compared to 2016.

Foreigners by country of origin in 2017, are headed by European countries [7,637], which count for 59.2 % of the total number of foreigners, though a decrease of 8.3 % compared to 2016. Foreigners with origin from Asian countries number at 3,618, an increase of 11.5 % compared to 2016. Foreigners from Africa, the USA and Oceania number at 1.651, an increase of 73.6 % compared to 2016.

Irregular foreigners who are seized in Albanian territory without or in the border, without the necessary documentation result 1,049 people in 2017, by increasing with 14.6 % compared to 2016.

Acquisition of Albanian citizenship. In 2017, result 316 people who have acquired Albanian citizenship, by increasing with 12.5 % compared to 2016. In 2017, result 651 people who have terminated Albanian citizenship, by increasing with 32.9 % compared to 2016.

Illegal Immigration

The Western Balkan countries (including Albania) have recent experience with illegal immigration from countries in the Middle East and North Africa, mostly people trying to use the Balkans in an effort to reach countries of the European Union.

With the latest flows of undocumented foreigners, an approach that does not lose sight of migrants’ rights and the state’s obligation for an objective, impartial and individual assessment of asylum requests became all the more relevant.

A sustainable policy has been developed to combat illegal immigration and trafficking in human beings.

Albania has also ratified most of the international human rights instruments and major conventions on migrant rights.

We are successfully implementing most of the international conventions on migrant workers, and the domestic migration legislation generally reflects the principles of international conventions on immigrant rights.

The Albanian migration norms as contained in the Law no.108/2013 "On Foreigners", as amended, provide for the treatment conditions of foreign nationals from third countries seized at the border. In this regard, most voluntary withdrawal procedures have been applied and partially dealt with in the Closed Center for Foreigners in Kareç, following the return procedures on the basis of bilateral agreements between Albania and the countries of origin / transit.

Illegal immigration has increased significantly during 2018, when the number of irregularly caught immigrants has reached 3160 people, or over 200% more than during the year 2017. The largest number consists of Syria, followed by those who come from Pakistan and the Kashmir region, then those who come from Iraq, Iran, Algeria and Morocco.

Whereas of 5415 irregular immigrants registered in our country during the 2018 year

* 1916 are apprehended on the green border.
* 3433 in the field,
* 66 at Border Crossing Points,

In accordance with the standard working procedures, subject to the selection process:

* 95 are transferred to the Kareç Detention Center.
* 4260are transferred in the Asylum Center in Babrru.
* 1068 left voluntarily with voluntary departure orders.
* 2 unaccompanied minor children are transferred to the Social Care Center.

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The program "Engaging the Albanian Diaspora in the Social and Economic Development of the country" aims to increase the diaspora engagement in the development of the country by supporting members of the Albanian diaspora to promote investment in Albania. The program is funded by the Italian Agency for Development (IACS) and implemented by the International Organization for Migration (IOM). It was initiated by the MEFA but afterwards was led by the State Minister for the Diaspora.

This project supports the Government of Albania towards a comprehensive approach to diaspora engagement for sustainable development. It is focused on creating facilities for diaspora engagement in developing the country through the transfer of knowledge and, skills by providing for diaspora members the possibility of fellowships in Albanian institutions that will serve to increase the capacity of institutions involved in the diaspora engagement.

A Platform called “Connect Albania" will serve to increase investments, and to include Albanian diaspora in the development of the country through the promotion of investments.

Regarding education for Albanian children abroad, the Ministry, in cooperation with diplomatic missions of the Republic of Albania and other state institutions, supports the implementation of special programs to learn the Albanian language and recognition of Albanian cultural heritage for children of Diaspora, in accordance with Albanian legislation.

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The Ministry of Europe and Foreign Affairs of Albania with the support of UN Women and UNFPA developed a Human Rights Action Plan and Monitoring Mechanism to facilitate the monitoring process of the implementation of the UPR recommendations and other treaties by relevant State authorities.

This tracking mechanisms on treaty bodies recommendations, will enable governmental institutions in monitoring the treaties bodies recommendations by establishing clear policies and actions in place, to measure progress and effectively fulfil their reporting obligations.

At the end, it still remains a challenge to further improve the legal, institutional, and policy framework in compliance with the convention provisions, and its enforcement in practice.

We strongly believe that the recommendations that will be provided by the Committee, will give us the right direction in taking measures to improve the legal, institutional and policy framework with regard the implementation of this Convention.