

Unofficial translation

REPUBLIC OF ALBANIA
Ministry of Interior
Minister

I N S T R U C T I O N

No. 1085 dated 12 / 06 / 2006

**“ON THE PROCEDURE TO BE APPLIED BY THE STATE POLICE FOR THE
PRE-SCREENING OF IRREGULAR FOREIGNERS”**

Based on article 102, point 4 of the Constitution, on Law No. 8492, dated 27/05/1999 “For foreigners”, and on Law No. 8432, dated 14/12/1998 “On Asylum in the Republic of Albania”;

Aiming to act in time and to unify the actions of the State Police when in contact with foreigners, to ensure the full respect of their human dignity and their rights guaranteed by law;

Recognizing the importance of expeditious and effective *pre-screening* procedures as a means for early identification of persons who may be in need of protection, and as an additional safeguard against *refoulement* of asylum-seekers and victims of trafficking and to ensure the right referral and assistance for each case:

I N S T R U C T:

1. The chief of the border crossing point/employee of Border and Migration Police or, when inside the territory, the highest rank officer of Border and Migration Police on duty in the respective commissariat or police directorate is immediately notified when an irregular foreigner is identified. Any of employees of Border and Migration Police notified as per the above, personally or through an employee of the Border and Migration Police who has been delegated this duty on a permanent basis, is responsible to conduct the pre-screening process.
2. Any irregular foreigner identified as per the above, shall be accompanied to:
 - a) A transit centre at/near the border crossing point where he/she will be accommodated until the completion of the pre-screening procedure and his/her departure to a national receptions centre in Tirana, or his/her departure from the country. A list of existing transit centres is provided in Annex 3 of this Instruction.
 - b) A reception room in the premises of the nearest police commissariat/directorate if the irregular foreigner was identified on the territory.

3. The pre-screening interview is conducted in a language which the foreigner understands. The information received is recorded in the pre-screening form attached as Annex 1 of this Instruction. This form is filled in, and signed by the police employee who carries out the interview, by the irregular foreigner himself/herself, as well as by the interpreter, if the case. A copy of this form will be provided to the irregular foreigner and respectively, to the authority which will deal with the case after the pre-screening.
4. (a) The chief of the border crossing point or the employee of Border and Migration Police of the highest rank is responsible to compile a list of interpreters available at local or central level, who will be called to assist during the pre-screening interviews.
(b) All the interpreters are required to sign a confidentiality agreement (agreement for protection of personal data) before providing interpretation services, according to a model form presented in Annex 2 of this Instruction.
(c) All the costs related to payment of interpretation services and other costs incurred by interpreters for the respective pre-screening interview will be covered in line with the provisions of the Joint Instruction of the Minister of Finance and the Minister of Justice No 3165, dated 12 May 2004 concerning “the criteria and procedures of selection and tariffs of payment for the external interpreters as well as the official translation tariffs to be paid to third parties” and its subsequent amendments.
5. (a) During the pre-screening interview, the responsible officers shall use interviewing techniques that are most appropriate to the age, sex, health and emotional condition of the respective irregular foreigner. To the extent possible, efforts will be made at the local level to ensure that female irregular foreigners and children are interviewed by female police officers.
(b) Responsible employees of Border and Migration Police shall receive adequate training in pre-screening interviewing techniques, provided by Border and Migration Directorate.
6. If an irregular foreigner claims to be under the age of 18 but is not able to present identity documents, the age given by him/her should be accepted as such. In principle, any doubt connected to the given age should be solved in favour of the individual who claims to be a child.
7. The Border and Migration Police is responsible for pre-screening of all irregular foreigners. In case an irregular foreigner is identified on the territory by other police structures, the latter shall immediately refer the respective irregular foreigner to Border and Migration Police for pre-screening purposes.
8. Based on the information recorded in the pre-screening form, the responsible employee of Border and Migration Police will assess if the irregular foreigner may be an asylum-seeker, a victim of trafficking, or an irregular migrant. After the conclusion of the pre-screening procedures, the responsible police employees as per point 1. above, will immediately notify the pre-screening focal point in the Border and Migration Directorate. (Telephone number 06820 – 38608, 04 226932, 04 228272).
9. Whenever an irregular foreigner, directly or at the end of the pre-screening interview is identified as an *asylum-seeker*, the Border and Migration Directorate shall immediately notify the Directorate for Naturalization and Refugees (DfNR); and co-ordinate for the transportation of the respective asylum-seeker from the transit reception centre situated at/

near the border crossing point to the National Reception Centre for Asylum-Seekers in Tirana.

10. Upon hand-over (or transfer) of an asylum-seeker to DfNR, the form shown in Annex 4 of this Instruction shall be filled in and signed by the Border and Migration Police employee responsible for the hand-over/transfer and the DfNR representative.
11. In case of an asylum-seeker with special needs, the Border and Migration Directorate may co-ordinate with DfNR so that the latter organises the transport and/or ensures specialized assistance during transfer to National Reception Centre for Asylum-Seekers.
12. Whenever an irregular foreigner, directly or at the end of the pre-screening interview is identified as a potential *victim of trafficking*, the Border and Migration Police employee responsible for pre-screening shall immediately inform and co-operate with the Anti-Trafficking Section/expert and, based on the existing Memorandum of Understanding between the Ministry of Interior (MoI) and the Ministry of Labour, Social Affairs and Equal Opportunities. (MoLSAEO), shall co-ordinate with MoLSAEO and take all the necessary measures for the transportation of the respective person to the National Reception Centre for Victims of Trafficking in Tirana, as well as for any specialised assistance that may be needed in case of a victim of trafficking with special needs.
13. Upon hand-over of a possible victim of trafficking to MoLSAEO, the form shown in Annex 4 of this Instruction shall be filled in and signed by the responsible Border and Migration Police employee and the MoLSAEO representative.
14. Whenever an irregular foreigner, directly or at the end of the pre-screening interview is identified as an *irregular migrant who opts for voluntary return assistance* due to lack of sufficient financial means, the Border and Migration Directorate shall immediately contact the Office of the International Organization for Migration (IOM) in Tirana and/or other organisations providing such services; co-ordinate for, or provide the transportation of the respective irregular migrant to appropriate reception facilities, as well as any specialised assistance that may be required, in case of persons with special needs. The hand-over/transfer form shown in Annex 4 shall be used.
15. Whenever an irregular foreigner, directly or at the end of the pre-screening interview is identified as an *irregular migrant who does not opt for voluntary return assistance* he/she will be subject to the provisions of the Law for Foreigners no 8492/1999.
16. The pre-screening process shall be completed within 10 hours from the moment when the employee of Border and Migration Police in charge in the respective commissariat/police directorate is informed of the apprehension of an irregular foreigner, including the pre-screening interview, the assessment, the referral to the authority competent to handle the case and the transfer to appropriate reception facilities. The reasons which might determine this timeframe to be exceeded shall be duly recorded and reported in a written form to the pre-screening focal point in the Border and Migration Directorate.
17. The Border and Migration Police shall provide food, any necessary non-food items and medical assistance to victims of trafficking, asylum-seekers and irregular migrants who stay in the transit reception centres situated at/near the border crossing points or commissariats.

18. Police commissariats, police directorates in the regions, and/or the border crossing points shall report the monthly pre-screening statistics, in the format shown in Annex 5 of this Instruction, providing information on the number of pre-screened irregular foreigners by age, sex, countries of origin and pre-screening category i.e. asylum-seekers, victims of trafficking, irregular migrants.
19. The General Director of the State Police and the Director of Budget are charged with ensuring that, by 1 September 2006, this Instruction is properly financed for implementation, through a dedicated budget line for pre-screening.
20. The Personnel Directorate of the Ministry of Interior is charged with ensuring that female police officers are appointed at each border crossing point.
22. The Border and Migration Directorate and its territorial structures and the police directorates in the districts are charged with the implementation of this Instruction. The General Directorate of the State Police is charged with the control of its implementation.
23. Instruction no. 2008, dated 12.10.2004 “On the procedure to be applied by the State Police to facilitate the pre-screening of apprehended foreigners” is hereby abrogated.
24. This Instruction enters into force immediately.

The Minister
Sokol OLLDASHI

FORMULARI I PËRZGJEDHJES
PRE-SCREENING FORM

Emri i plotë.....
Full Name

Gjinia: M / F
Sex

Datëlindja (data/muaji/viti)
Date of Birth (day/month/year)

Vendlindja (fshati/qyteti/shteti).....
Place of Birth (village/town/city/country)

Vendbanimi (fshati/qyteti/shteti).....
Residence (village/town/city/country)

Dokument identifikimi..... Data e Skadimit
Document in possession Validity Date

Besimi Fetar.....Kombësia.....
Religion

Data e hyrjes në Shqipëri...../...../..... Pika e hyrjes në kufi.....
Entry date into Albania Entry border point

Vendi ku u ndalua i huaji i parregullt (nëse ndryshon nga më sipër)

.....
Location of irregular foreigner interception (if different from above)

Profesioni..... Shkollimi.....Aftësimi.....
Profession Education

Familjarë që shoqërojnë të intervistuarin:

Family members accompanying the interviewee

Emri i plotë Full name	Datëlindja Date of Birth	Vendlindja Place of Birth	Lidhja familjare Relationship
1
2

Itinerari (prej ditës së nisjes nga vendi i origjinës, shtetet e tranzitit dhe periudha e qëndrimit atje):

Itinerary (from departure date from the home country, countries transited and period of stay there)

Arsyet e largimit nga vendi i origjinës / Reasons for fleeing the home country:

Informacion më i detajuar mund të jepet në fletën bashkëngjitur (The attached sheet may be used for additional information)

Dëshironi të aplikoni për azil në Shqipëri? Do you want to apply for asylum in Albania?	PO YES	JO NO
Dëshironi të ktheheni në vendin tuaj? Do you want to return to your home country?	PO YES	JO NO
Dëshironi asistencën e IOM për tu rikthyer? Do you want IOM's assistance to repatriate?	PO YES	JO NO

Intervistuesit/ Interviewers..... Aplikanti/Applicant.....

Përkthyesi / Translator Vendi i intervistës / Interviewing place

Dorëzuar / Handed over..... Data / Date.....

FORMULAR I PËRZGJEDHJES
PRE-SCREENING FORM

Kjo fletë mund të përdoret nëse është e nevojshme për të dhënë informacion më të detajuar, dhënë në menyrë të vullnetëshme nga migranti i parregullt gjatë intervistës së përzgjedhjes
(This sheet may be used if necessary, to record additional information, voluntarily provided by the irregular migrant, during the pre-screening interview).

Intervistuesit / Interviewers

Përkthyesi / Translator

Date.....

Vendi i intervistës / Interviewing place

Data /

DEKLARATË

Unë i nënshkruari (Emri Mbiemri) _____, përkthyes i gjuhës _____ marr përsipër që të përkthej me korrektësi dhe paanësi, me gojë dhe me shkrim informacionet e dhëna nga oficerët e Policisë së Kufirit dhe Migrimit përgjegjës për përzgjedhjen, apo nga të huajt me të cilët ata komunikojnë.

Me përgjegjësinë time, deklaroj që, në përputhje me detyrimet e vëna në Nenin 8 të Ligjit Nr. 8517 datë 22.7.1999 'Për mbrojtjen e të dhënave personale' nuk do të përhap në çfarëdo lloj forme asnjë nga informacionet për të cilat vij në dijeni gjatë kryerjes së këtij shërbimi.

P Ë R K T H Y E S I

Datë _____ 200__

DECLARATION

I the undersigned (Name, Surname) _____, interpreter of _____ language undertake to translate correctly and objectively, verbally and in writing, all the information given by the officers of the Border and Migration Police, responsible for the pre-screening, or the foreigners to whom they communicate.

Under my responsibility I declare that, in accordance with the obligations set by Article 8 of Law No. 8517, dated 22.7.1999 'On the protection of personal data' I will not disseminate in any form whatsoever any of the information I come to know during the performance of this service.

I N T E R P R E T E R

Date _____ 200__

List of existing Transit Reception Facilities (TRF)¹

No.	TRF Place	Vicinity districts	Capacity (approx.)
1.	"Billata" Peshkopi Border Crossing Point (BCP)	Peshkopi,	2 offices + 1 sitting room + 1wc,12 persons (personnel and migrant)
2.	"Shengjin Port" Lezha Border Crossing Point	Lezhë, Shengjin,Milot, Laç	3 offices + 1 sitting room + 1wc,12 persons
3.	"Port Durres" Durres Border Crossing Point	Durrës, Kavaj	1 office + 1 sitting room + 1wc, 4 persons
4.	"Kakavija" Gjirokaster Border Crossing Point	Gjirokastër, Tepelene	1 office + 1 sitting room + 1wc, 8 persons
5.	"Livadhja" Saranda GOS	Sarandë	3 offices + 1wc,8 persons
6.	"Tre-Urat" Permet Border Crossing Point	Përmet, Kelcyre,Erseke	2 offices, 4 persons
7.	"Kapshtica" GOS Devoll	Korçë, Devoll	4 offices +1wc, 6 persons
8.	Rinas Airport	Tirana, Durres	4 offices +1wc, 8 persons
9.	"Kukës" Police Commissariat	Kukës, Has	2 offices + 1 wc, 6 persons
10.	"Vlora" Police Commissariat	Vlore Fier	2 offices +1wc,4 persons
11.	"Elbasan" Police Commissariat	Elbasan, Librazhd	3 offices + 1wc,4 persons
12.	Gjirokastër, Police Commissariat	Gjirokastër, Tepelene	2 offices + 1wc,4 persons
13.	"Peshkopi" Police Commissariat	Shupenza , Peshkopi	2 offices , 4 persons
14.	"Korça" Police Commissariat	Korçë, Devoll, Kolonjë	3 offices + 1wc, 4 persons
15.	"Shkodër" Police Commissariat	Shkodër, Malësi e Madhe	2 offices + 1 wc, 6 persons
16.	Tirana" Police Directorate		2 offices + 1wc, 2 persons

¹ These TRFs were rehabilitated with co-funding from the EC, UNHCR, IOM and OSCE for irregular migrants, asylum-seekers and victims of trafficking.

