

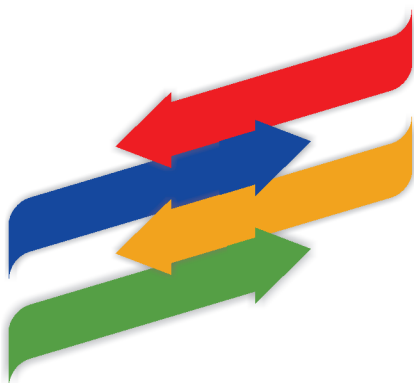


# NATIONAL STRATEGY ON MIGRATION

AND

# NATIONAL ACTION PLAN ON MIGRATION

*The road towards migration management*



## Mobility

Enhancing legal channels for Migration on one hand, and possibilities for return on the other can improve the mobility of the Albanians.

## Development

Migration management should be used as a tool for the development of Albania

## Protection

Albania wants to take care of the Albanians abroad and keep them from abuse and illegality

## Integration

All efforts to manage migration will bring Albania closer to membership of the European Union.

***National Strategy  
on Migration  
and  
National Action  
Plan on Migration***

*A project of the Albanian Government managed in cooperation with  
the International Organization for Migration (IOM), funded by the CARDS  
programme of the European Union*

**Tirana, July 2005**

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# INTRODUCTION

Emigration is a very important concern for Albania due to the fact that up to 20% of the population has left the country over more than a decade, making Albania one of the countries with the highest emigration flows in the world. Migration has also become a major area of concern for Albanias relations with the Member States of the European Union as countries of destination for the majority of Albanian emigrants. Albania has been particularly targeted on different occasions by the European Union as one of the top priority third countries for the fight against irregular migration. Although this has recently improved the management of migration flows has become and remains an integral part of the Stabilisation and Association Process and the future Agreement will include several provisions on migration and asylum.

The Government of Albania has therefore envisaged the adoption of a National Strategy on Migration since 2002. This project has been financed by the European Community under the programme "Community Assistance for Reconstruction, Development and Stabilisation" (CARDS). It has been implemented and co-funded by the International Organisation for Migration (IOM) through its representation in Tirana.

The aim of the Strategy is to provide Albania with a more comprehensive policy on migration from one that has mainly reacted to combat irregular flows to a more holistic policy based on the management of migration. The Action Plan represents one of the very first attempts to concretise the idea of linking the management of migration and the development

of the country of origin in line with the orientations of the common immigration policy of the EU. The emphasis is put on the management of emigration flows as an immediate priority, rather than on the development of a policy for immigration as Albania will certainly remain for a certain period of time a country of emigration. Nevertheless, in the long run Albania is likely to become a country of immigration in the same way that the southern EU Members States have become so over the last twenty years. The development of a legal framework on immigration as a future condition of entry into the EU will so require the gradual incorporation of the EU *acquis* on immigration and asylum in parallel with the deepening of the Stabilisation and Association Process. Even if these changes go beyond the scope and content of the present strategy, which is limited to a period of five years from 2005 till 2010, the strategy incorporates therefore immigration in its parts devoted to the legal and institutional framework on the basis of the previous report "Analysis of Albanian Immigration legislation and Practise as compared to EU and International Standards Gap Analysis on Migration Management", compiled by IOM in January 2004.

The process of formulation of the National Strategy has been divided in two steps. It started with the drafting of a policy document that has been approved by the Council of Ministers on 19 November 2004 (decision no. 760) and was used to launch a debate about migration in the Albanian medias and among the Albanian institutions and society. In order to make this policy document as widely known

as possible, an awareness campaign has been organised in the Albanian medias and two Albanian official delegations visited Italy and Greece, which are the most important host countries of Albanian emigrants. A workshop attended by about two hundred participants has also been organised in Tirana on 21 and 22 February 2005 to discuss the proposals mentioned in the strategy with all the stakeholders. Finally, the Strategy and its Action Plan have been presented to the EU institutions during a session that took place in the European Parliament on 13 June 2005.

Following the formulation of the policy document the Albanian government created on 30 December 2004<sup>1</sup> a working group chaired by the Secretary General of the Council of Ministers and composed of representative of the ministries of Foreign Affairs, Public Order, Labour and Social Affairs, Finance, European Integration, Economy, Education and Science, Local Government and Decentralization, Culture, Youth and Sports. Representatives of the National Bank of Albania were invited on occasion as well. After several meetings running till May 2005, the working group agreed about the drafting of a detailed action plan, which was then transmitted to the Government for approval. The Council of Ministers approved it officially on 6 May 2005 by decision No. 296.

The scope of the action plan has been defined taking into account the existence of various interrelated strategies and action plans of Albania. In particular the national strategy to combat trafficking in human beings approved in 2001 and the integrated border management strategy approved in 2003, are both complete documents dealing with two areas of the migration policy. The National Strategy on Migration does not cover those issues but instead intersects and complements them. It also complements other interrelated policies such as those concerning employment and socio-economic development, especially with regard to remittances management and the mobilisation of Albanian communities abroad.

The action plan covers the following main domains: addressing root causes of migration, the protection of the rights of Albanian emigrants abroad, the improvement of consular services by Albanian embassies and consulates, the building of the Albanian communities abroad in an organised Diaspora on the basis of the "Declaration on the mobilization of the Albanian Diaspora" adopted with the support of the President of the Republic by the participants of the workshop held in Tirana on 22 February 2005, the organisation of an adequate policy for labour migration, the development of a return and readmission policy of Albanian illegal emigrants as well as for third country nationals by Albania and, finally, the development of the necessary legal and institutional framework for its implementation. It will be completed in 2005 on the basis of two studies which have been commissioned by IOM to cover two very technical aspects namely: driving remittances of emigrants into business investments and the registration of Albanian emigrants through the embassies for the purpose of completing the civil status register, but also to enable them to vote in the embassy or consulate of their host country in the next parliamentary elections planned for 2009.

The action plan details for every of the 66 measures agreed upon all the necessary elements for its implementation (objective, activities required and possible pre-conditions, politically responsible body and implementing body, human and financial resources necessary, deadline, and possible benchmarks). Among the very first steps for the implementation of the action plan, the Albanian government has decided to create a new agency covering migration policy in a very broad sense (emigration, immigration and diaspora) which will be a new inter-ministerial institution in charge of the coordination, implementation and monitoring of the national action plan. The fact that it will be attached directly to the Prime Minister Office shows the level of commitment of the government and the importance attached to the management of migration.

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<sup>1</sup> As per the Prime-Minister's decision, no. 195.



# *National Strategy on Migration*

Approved by the Council of Ministers  
Decision No. 760, dated 19.11. 2004





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# INTRODUCTION

The Government of Albania, with the support of IOM, has envisioned the adoption of a National Strategy on Migration since 2002. Emigration is a very important concern for Albania due to the fact that up to 20% of the population has left the country over more than a decade, making Albania one of the countries with the highest emigration flows in the world. Migration has also become a major area of concern for Albanias relations with the Member States of the European Union as countries of destination for the majority of Albanian emigrants. Albania has been particularly targeted on different occasions by the European Union as one of the top priority third countries for the fight against irregular migration. The management of migration flows has therefore become an integral part of the Stabilisation and Association Process; the future Stabilisation and Association Agreement to be concluded in 2005 will include several provisions on migration and asylum.

The aim of this strategy is to provide Albania with a more comprehensive policy on migration from one that has mainly reacted to combat irregular flows to a more holistic policy based on the management of migration, and in particular emigration flows. This policy covers the following domains: the protection of the rights of Albanian emigrants abroad, building up and linking Albanian communities abroad, driving remittances of emigrants into business investments, organising an adequate policy for labour migration, facilitating the travel of Albanian citizens confronted with short term visa requirements and finally, the development

of the adequate legal and institutional framework. The strategy incorporates immigration in its parts devoted to the legal and institutional framework on the basis of a previous report issued by IOM in January 2004<sup>1</sup>.

The emphasis of this strategy is on the management of emigration flows as an immediate priority, rather than on the development of a policy for immigration as Albania will certainly remain for a certain period of time a country of emigration, Nevertheless, in the long run Albania is likely to become a country of immigration in the same way that the southern EU Members States have become over the last twenty years. The development of a legal framework on immigration as a future requirement of entry into the EU will require the gradual incorporation of the EU acquis on immigration and asylum in parallel with the deepening of the Stabilisation and Association Process. However, due to the limited current relevance of immigration issues, these changes go beyond the scope and content of the present strategy, which is limited to a period of five years from 2005 till 2010. The evolution of Albania as a country of emigration to a country of immigration also must not be seen within a limited legal context, but within the context of considerable social change, and the development of multiculturalism.

The process leading to the adoption of the national strategy for migration has been divided in two steps: firstly, the drafting of this policy document which has been approved by the

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<sup>1</sup> Analysis of Albanian Immigration Legislation and Practice as compared to EU and International Standards.

Council of Ministers on 19 November 2004 and the opening of a broad debate about migration in the Albanian society and among the Albanian institutions. This debate will lead secondly to the formal adoption of a detailed national action plan for migration.

The launch of this policy for wider debate must be understood as a starting point. The proposed activities for the strategy are formulated in grey boxes throughout the text. During this first phase, all the measures of implementation outlined in the grey boxes are to be discussed, amended or even rejected with other new elements being added. Every effort has been made to make the proposals as concrete as possible to allow an in depth concrete discussion. The action plan, based on the proposals outlined in the grey boxes will detail for every measure agreed upon all the necessary elements for its implementation (responsible body, activities required, human and financial resources necessary, deadline, links with other measures and possible benchmarks). The action plan to be developed will take the form of a matrix indicating all those elements for every envisaged measure. The project to be completed by the Albanian authorities is annexed to the present document.

In order to make this policy document as widely known as possible, an awareness campaign will be organised throughout the territory and even abroad. Capacity building will also be undertaken for institutions that will be responsible for the implementation of the strategy including the organisation of several roundtables. The objective of the round tables will be to gather all the stakeholders with the Albanian ministries in charge of the drafting of the national action plan, in order to enrich the discussion about the proposals. The roundtables are to take place during the awareness raising campaign in November and December, and the action plan will be submitted for final approval to the Council of Ministers in February 2005.

The action plan as well as the subsequent implementation of the strategy will require the creation of a body in charge of its drafting and negotiation. That body will especially have to act as an interface between all the involved administrations and the political authorities, in particular the Council of ministers. It will also have to play a major role of coordination between the three leading ministries (Ministry

of Labour and Social Affairs, Ministry of Public Order and Ministry of Foreign Affairs). It should therefore be composed of representatives of the Albanian government from a level sufficiently high enough to endorse, amend or refuse policy proposals which will later on be submitted for approval to the proper decision making levels, most likely the Council of Ministers, as well as to collect in a very short period of time the necessary information and data about the means available and indispensable for the implementation. A mechanism for the evaluation of the implementation of the strategy and for its periodical review on the basis of the progress, eventual constraints and delays, will also have to be defined.

The scope of this strategy has been defined taking into account the existence of various interrelated strategies and action plans in Albania. The national strategy to combat trafficking in human beings approved in 2001 and the integrated border management strategy approved in 2003, are both complete documents dealing with two areas migration policy; the National Strategy on Migration does not cover those issues but instead complements them. The National strategy will also complement other interrelated policies such as those concerning employment and socio-economic development, especially with regard to remittances and the mobilisation of Albanian communities abroad.

This document is divided into two parts; the first one presents the Albanian and European Context on migration while the second one outlines the policy guidelines for Albania. The second part of this strategy is subdivided in four chapters: combating irregular migration, linking the management of emigration with development in Albania, the adoption of the necessary legal framework; and the creation of relevant institutional structures.

The National Strategy for Migration is a project financed by the European Community under the programme "Community Assistance for Reconstruction, Development and Stabilisation" (CARDS). It has been implemented with the technical and co-funding support of the International Organisation for Migration (I.O.M) through its representation in Tirana. The Albanian Government intends to thank warmly those two international organisations for their generous support and all the work.

# FIRST PART:

## MIGRATION IN THE ALBANIAN CONTEXT

This section firstly attempts to provide a broad picture of migration in the Albanian context by explaining how the phenomenon of emigration has developed in Albania and how it has affected the country and the Albanian population in general. Secondly, it explains the governmental response to this phenomenon and the legal and institutional framework put in place to deal with it.

### THE PHENOMENON OF EMIGRATION

Emigration is a crucial issue for Albania due to its large size, and due to the considerable implications that it causes as well as the relationship that this phenomenon has with criminality regarding trafficking and smuggling.

According to INSTAT, the population census that was undertaken in 2001 showed that the Albanian population was 3.07 million, and should have been 3.78 million had there been no migration. Consequently it has been presumed that the difference between these two figures is the approximate number of emigrants that have left Albania, meaning approximately 710000 people among which 390000 are men and 320000 are women. Because of the massive and irregular character of Albanian emigration, there are no accurate official estimates about the location of Albanian emigrants. However, various experts have provided some approximate figures to explain the distribution of Albanian emigrants in host

countries. They maintain that three fifths of Albanian emigrants live in Greece, one-fifth in Italy and one fifth in Western Europe with the rest located in other parts of the world<sup>2</sup>. Regarding the status of emigrants abroad, estimates show that about half of the emigrants are not documented.

In a recent survey undertaken by INSTAT, to find out the reasons that have influenced the decisions of the Albanians to emigrate, the following motives came out in preference ranking as follows: higher wage, support to the family that stays in homeland, better working conditions, better living conditions, conditions for personal or other family members education and other motives related to the public order or security. The geographical preferences of emigrants have been influenced by factors such as: the facility of finding a job, the geographical vicinity of the host country, the ease of entry into the host country, the presence of relatives in the host countries, familiarity with the possibilities for education and improving professional skills, possibilities to work in the migrants profession and better salaries than in other countries.

### Trends of emigration

During the communist period Albania was extremely isolated and the phenomenon of migration was almost inexistent. The start of the recent massive emigration that

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<sup>2</sup> Papanagos Harry, Sanfey Peter (2001) "Intention to emigrate in transition countries: "The case of Albania in Journal of Population Economics"; No 14 ; p.491-504.

characterizes the Albanian post communist period dates back to July 1990, when nearly 5000 people entered the Italian, German and French embassies in Tirana, asking to leave the country. At the end of 1990, about 20 000 Albanians had left the country through the land border for Greece and requested political asylum. In March 1991, many Albanians entered the Port of Durres, the biggest of the country, seized the ships of the Albanian trade fleet and reached the ports of the Southern Italy. The same situation was repeated in few months later, in August 1991, when approximately 18 000 people again took possession of numerous vessels and crossed the Adriatic Sea to Italy. The illegal emigration increased substantially during the following years.<sup>3</sup>

The rhythm rate of emigration declined during the years 1992-1996. The decreasing rate of emigration was attributable to the improvement of the political stability and the improvement of the social and economical situation in Albania. At the end of 1996, according to the estimations of UNDP, the number of Albanian citizens continuously living outside of Albania reached approximately 350 000. The emigration flow significantly increased at the beginning of 1997, as a consequence of the failure of the pyramid schemes and the political turmoil that accompanied this occurrence.

In recent years, there seems to have been a continuous decrease of emigration due to the increase of border control, the fight against the trafficking of human beings, the improvement of the social-economic condition in Albania and the improvement of political stability and public order in the country.

Albanian emigrants are increasingly more settled and integrated in the host countries, except in Greece where the process of integration is very slow. There is a clear decrease of irregular emigration accompanied by a relative increase of regular emigration (in particular in Canada, USA, etc). As a consequence of the integration of the Albanian emigrants in host countries, labour emigration has been accompanied by family reunification, which was not possible with the previous levels of irregular emigration. Labour emigration has been complemented by higher numbers of people leaving to study abroad.

The government's anti-smuggling measures have resulted in a decrease of irregular migration. The changing of the socio-economic and political conditions in Albania have decreased the urge of many potential migrants to leave the country.

There is a diminishing relevance for migrants concerning the geographical vicinity of the host country which can be noticed by the continuous reduction of the number of emigrants in neighbouring countries such as Greece and Italy and a considerable increase of emigrants in more distant countries like the UK, USA and Canada. Some of the decisive reasons for choosing the potential host countries are either the economic prospective or the potentiality for regularization. Consequently a larger number of Albanians are emigrating towards countries such as Britain as well as in countries where they can legally emigrate, such as Canada and USA.

The number of Albanian emigrants in neighbouring countries remains high, in particular seasonal emigration, due to the simplification of the acquisition of documentation in the host countries as well as an increase in the level of adaptation with the labour market demands in the host countries. A shift in the rapport between regular and irregular emigrants in favour of regular emigration is being noticed. The creation of networks of contacts as well as the acquisition of the host country language in combination with the development of the communication routes has played a significant role. Furthermore, there are more border crossing points, more ferry lines to Italy, more airlines flying to and from Tirana, better roads and more cars. There is also greater access of the foreign media and continuous communication with countries where other emigrants have resided.

### **Emigration and demography**

According to the latest population census organized by INSTAT in 2001 the current number of people that live in Albania is 113000 smaller than in the previous census of 1998. There has been a decrease in the fertility rate, which is diminishing the natural growth of the population of Albania. The fertility rate is as low as 2.31 children per woman. This decline

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<sup>3</sup> Ibid

has been remarkable considering that in 1960 levels of fertility were as high as 6.85 children per woman. The decrease has maintained a rapid pace in the last decade: from the mid 90s to 2001, the fertility rate, though already moderate, has dropped by 12 per cent. The changes of the age composition of the population in Albania reflect the impact of emigration. Individuals between the ages of 20 and 40 have emigrated in the largest numbers, therefore the concentration of people aged less than 20 years old and more than 40 in Albania has increased.

The change in the regional distribution of the density of the population is attributable both to the internal migration and emigration. The density of the population of the southern areas of Albania adjacent to the Greek border has decreased dramatically. In fact, the inhabitants leaving the North migrated mostly within the country, while those coming from the South tended more to go abroad.

### **The impact of emigration on the economy**

The main impact of emigration in Albania is the inflow of remittances. Remittances make up one of the most substantial pillars of the Albanian economy by providing a continuous inflow of foreign currency and creating the basis for savings and investments. Based on the official data the contribution of the remittances during 10 years is estimated to be 15% of the Albanias GDP. Also, the contribution of the remittances in the commercial balance, during the last 10 years is estimated to be 58.8%.

### **The implications of emigration on the labour market**

Emigration has had a great impact on the Albanian human resources. On one hand, the work of Albanian emigrants in the advanced economies of the host countries has provided them with familiarity and know how of management style, work ethics, new sectors of economy, techniques and technology that is new to Albania. Hence the return of such migrants could contribute to the transfer of the above-mentioned skills to Albania. On the other hand, many emigrants do not work in positions, which are relevant to their studies or training, this is why the facilitation and encouragement of the recognition of Albanian diplomas and qualifications abroad is a major issue of concern.

The availability of emigration decreases the unemployment and because of that alleviates the socio-economic difficulties that would have appeared in the country if there wouldnt have been the possibility to seek employment abroad.

Another issue, which should be taken into account, when focusing on the human resources of the Albanians abroad, is the professional specialization of migrants. In Greece, the majority of Albanian emigrants are employed in the construction business and the majority of the rest in the agricultural and catering business (tourism). In Italy Albanian migrants are mainly in construction, tourism and light industry. This specialization has had a great impact on the current level of remittances as well as in the envisaged developments of these remittances. To some extent this correlation can already be seen in the country, which is shown by the blossoming construction and tourism sectors of the Albanian economy.

The country already benefits from the expertise of Albanian emigrants in tourism and construction, which have been booming industries in the recent years. A large number of Albanian emigrants are employed in agriculture whilst the agricultural production of Albania has decreased and Albania has become a considerable importer of agricultural goods.

### **The impact of emigration on domestic politics**

The first political implication of the high level of emigration is the level of political participation. Emigrants are not able to participate in the elections although they make up a great part of the voters list. In fact this great part of the population, which majority possesses the right to vote and candidate, is unable to participate in the political activity of the country because they can not vote in the Albanian consulates abroad and the only way they can exercise their right to vote is to travel to Albania on purpose. This affects the outcome of elections and also increases political disengagement at large.

Taking into consideration the socio-economic impact of emigration it can be understood that this affects the political stability of the country in general. Emigration has played the role of a safety valve maintaining low levels of unemployment in the country and consequently easing discontent that would have arisen



because of different socio-economic conditions. The restrictions on the possibilities to emigrate might damage these conditions and contribute in the increase of pressure and discontent among people that aspire to emigrate.

Political behaviour and culture have also been largely shaped by emigration. The situation of emigrants abroad influences their political behaviour once they return as well as of their relatives in Albania. This situation takes place either through the way that they influence their relatives in the country or the general perceptions of the people of how much does the government take care of the emigrants. The prevailing majority of Albanian emigrants live and work in countries that have consolidated liberal democracies, which allow them to acquire familiarity with these systems. Return migration can improve culture, and combat clientelism, parochialism and corruption, accelerating and sustaining the ongoing process of democratisation in the country.

Travel abroad without visas is important within the context of the communist past. Albania used to be one of the most isolated countries in the world and that feeling still leaves scars in the mentality of the people who draw a direct link between good governance and democratisation with possibility to travel abroad. The possibility of visa free travel is often seen as a means of detachment from the communist past and the duty of the government to allow for or facilitate the possibilities for Albanians to travel abroad.

### **The impact of emigration on foreign policy**

There is a strong link between the process of EU Integration and Albanian emigration. The process of accession to the EU is a great leverage in the shaping of the Albanian policies and priorities. Albanian emigration has been a major concern for the EU to be addressed by the Albanian government.

Taking into consideration the sensitivity of the Albanian public opinion towards the situation of the emigrants in the host countries, the rights of the Albanian citizens abroad becomes an issue of cardinal importance for the diplomatic services of the Albanian Ministry of Foreign Affairs. It is the duty of the Albanian government to insure that the rights of Albanians are respected which is a major challenge due to the huge number of Albanians abroad.

The process of emigration is also a natural process of integration into the international labour market and globalisation. The integration of the Albanians in host countries has been considered as a priority of the current Albanian government. The presence of large numbers of Albanian emigrants in neighbouring countries has had a major impact on the relationship with these countries. It has been a source of tensions with Greece for several times.

## **THE RESPONSE OF THE ALBANIAN GOVERNMENT TO MIGRATION**

### **Governmental actors**

There are various governmental actors whose authority and activity is related to migration, but the lead ministries are the Ministry of Public Order, the Ministry of Labour and Social Affairs and the Ministry of Foreign Affairs.

The role of the Ministry of Public Order (MoPO) related to migration is exercised by the Sector for Treatment of Foreigners and Migration in the Directorate of the Border Police. The relevant competences of the Ministry of Public Order range from border control, anti-trafficking measures to the pre-screening or irregular foreigners and registration of regular foreigners.

The Ministry of Labour and Social Affairs (MoLSA) is responsible for all labour-related aspects of migration, and has a Migration Directorate, which deals directly with migration. In addition other institutions dependent on the Ministry of Labour and Social Affairs deal with issues that are relevant to migration, such as National Employment Service, the State Social Service and the Institute of Social Insurance. MoLSA is also responsible for seasonal employment agreements with other countries.

The competences of Ministry of Foreign Affairs (MoFA) in the field of migration are related to the administration of visas and of the documents for the entry of foreigners, and to the consular services provided in host countries for Albanian emigrants. Moreover, it is a key participant in the process for signing treaties ratified by Albania, such as readmission agreements.

Another important player is the National Institute of Statistics INSTAT, which deals with collection and distribution of data and studies,

which help at providing a better picture at the migration phenomenon.

### **The programme of the current Albanian Government**

The program of the current government clearly stipulates that within the context of migration, the main aim is to increase the support of GoA for emigrants and their families, expand the legal channels of emigration while in the meantime taking adequate measures to eliminate irregular emigration. Taking into consideration the economic and employment needs of the country, the government considers the channelling of remittances into economic development as a priority. Yet the Albanian government is concerned about the implications on the labour market caused by emigration. Thus MoLSA is committed to encourage seasonal employment instead of permanent labour emigration and encourage the return of the highly skilled emigrants. Additionally the current Albanian government has expressed deep concern about the living conditions of the Albanian citizens abroad and is committed to help to combine their social, cultural and economic integration in the host countries with the preservation and development of their Albanian cultural inheritance.

### **The legal and policy framework for emigration**

The large number of Albanian emigrants has incited a governmental response aimed at minimizing the cost of emigration and at increasing its benefits both for the individuals and for the country.

Due to the scale of Albanian emigration and the impact that it has in all fields of society, the Albanian government has approved a law to address the crucial dimension of Emigration. The Law 9034 date 20.03.2003 "On the Emigration of Albanian Citizens for Employment Purposes" regulates in details the right to depart for employment or self-employment abroad.

To facilitate the travel of Albanians citizens abroad, have been concluded several agreements on visa facilitation with third countries have been.

In order to address unemployment in Albania and the need for greater labour emigration various employment agreements have been

signed between Albania and other countries such as Greece, Germany and Italy. Furthermore the government has encouraged the opening of private employment agencies to help Albanians find employment abroad by adopting the Decision of Council of Ministers 708 of 16.10.2003 " On the Way of Licensing and Functioning of the Private Employment Agencies".

The issue of migration has been dealt also by two recent strategies: the National Strategy to Combat Trafficking in Human Beings (approved by decision of Council of Ministers in 2001); and the Integrated Border Management Strategy (approved by Decision of Council of Ministers in 2003) as well as in the Action Plan on Measures to Improve Free Movement of People, adopted in 2003, which provides for measures that should be taken in order to prevent illegal border crossing and destroy links that exist between irregular migration and crime. As mentioned previously, even though these strategies and policy papers have a direct impact on migration and trafficking of human beings, in order to avoid overlap, the National Strategy on Migration will not deal with issues that are already covered and addressed by the former initiatives; however, a certain overlap with the action plan on measures to improve free movement of people is inevitable due to the broad scope of that document. It will so be necessary to ensure coordination in the implementation between those two instruments later on.

The National Strategy to Combat the Trafficking of Human Beings was the first sustainable step taken by Albania, after its previous ad hoc efforts to give an end to the phenomenon of Trafficking in Human Beings. The strategy, which was approved in December 2001, had *inter alia* the objective to prevent the trafficking of human beings and to protect and give assistance to victims of trafficking to ensure their reintegration in society. This Strategy has been implemented during the period 2001-2004. Monitoring of the progress of the strategy has been assigned to the Minister of State under the Prime Ministers office, which has been charged with reporting on a quarterly basis to the Committee of Counter Trafficking in Human Beings. Some of the actions envisioned in the strategy are: the identification of the reasons for trafficking, public awareness and education in regard to human trafficking and the improvement of socio-economic conditions, the creation of services for protection of victims and their

reintegration, the trainings of structures involved in combating trafficking, the creation of structures specialised to combat trafficking in human beings and providing the units/structures involved in trafficking with the necessary technical equipment.

Actions taken in the framework of this strategy have considerably reduced the number of individuals trafficked during the last years. However, taking in consideration the huge implications and dimensions of this phenomenon in Albanian Society, the government of Albania (GOA) has envisaged a follow up to the Strategy to Combat Trafficking in Human Beings with another Action Plan for the period 2004-2005. In addition, a strategy to Combat Trafficking of Children in the framework of the Anti Trafficking Strategy has been drafted.<sup>4</sup> This strategy envisages specific measures/actions to be taken which would give a stronger impetus to the fight against trafficking in minors.

The commitment of the Albanian Government to give an end to cross border crime, illegal migration, smuggling, trafficking in general and trafficking in human beings in particular, by strengthening border control is reflected for the first time in a consolidated document in the Strategy on Border Control and its Integrated Management (SBC). The GoA considers border management not only as an obligation towards its citizens but also having direct impact on Albanias external relations. The SBC is foreseen to be implemented during 2003-2006, within which a study on trafficking carried out throughout the state borders, collection of data on trafficking, improvement of border control by introduction of new methods and techniques to detect illegal border crossings, effective measures against terrorism and organized crime, strengthening of the cooperation between relevant institutions in Albania and region would take place.

The monitoring of the strategy is allocated to the Deputy Minister of Public Order, who is charged with reporting not less than once every 6 months to the Minister of Public Order on the status of implementation of the Strategy

The Action Plan for the improvement of Free Movement of People (Action Plan) is another policy document of the Albanian Government

in which the improvement of free movement of people can only be achieved if effective measures to stop the illegal migration of Albanian nationals abroad and the illegal migration of third country nationals that use Albania as a transit country for EU are envisaged. The notion of "free movement" requires some clarification: it cannot be intended in the full sense it has in European law<sup>5</sup> because such a right can in principle only be really guaranteed to the citizen of a state after its accession to the EU. At present, not even workers coming from eight of the ten new Member States after the last enlargement have the right of free movement which will be granted during a transition period of possibly seven years. Even in the more narrow sense of the right to travel abroad without a visa for a period limited to a maximum of three months, it is unlikely that Albanian citizens will benefit soon from such a possibility for the reason that the removal of Albania from the EU list of the third states for which a visa authorisation is required, supposes a diminution of the risk of illegal immigration by overstaying the limited validity in time. This nevertheless does not mean that certain visa facilitations cannot be negotiated with the EU Member States in order to facilitate the mobility for Albanian citizens. In the framework of the measures provided by this document it is relevant to mention as below:

- Improvement of the legislation dealing with border management;
- Strengthening of institutional cooperation; establishment of a general authority for border management;
- The creation of an effective database for registration of all the people exiting/entering Albania and other relevant details which could be linked with other national databases and possibility of connection of this database with consular offices;
- The creation of a black list for persons that are not allowed to exit Albania due to criminal proceedings;
- Capacity building of the police and increase of the international cooperation, in order to improve border controls, and the fight against organised crime and illegal trafficking, etc.;

<sup>4</sup> By the time the Strategy on Migration was in the process of drafting, the draft of the Strategy to Combat Trafficking of Children had been sent to Council of Ministers for adoption.

<sup>5</sup> Meaning the right for a European citizen to settle following certain basic conditions in another EU Member State.

The monitoring of the implementation of the Action Plan is assigned to the Department of Coordination under the Minister of State.

In relation with the free movement of people, the objective generally evoked at one or another occasion by the Albanian authorities is the creation of an area without internal border controls between certain Balkans States on the model of the Schengen Area inside the EU. This could be one of the subjects of general debate which will take place with the launching of the national strategy on migration and which could possibly be included in the National action plan for migration as a long term objective, knowing however that it would require the agreement and a close cooperation with the concerned neighbouring Balkans states.

### **The legal and policy framework for immigration**

Immigration in Albania is still of little relevance for the country when compared with the hundreds of thousands of Albanians that have emigrated. The number of foreign citizens that have received work permits from February 1996 up to date is 5940 (between January and July 2004 381 work permits have been issued). Despite the relatively small number of immigrants, GoA has taken measures to draft or complement an adequate and coherent Legislative and Institutional framework pursuant to the obligations arising from the adherence in the International Structures and ratification of several international documents

The legal framework for immigration is mainly provided by the "Law on Foreigners" of the 27 May 1999. Regarding visas, the policy of the Albanian government is to approximate the procedures and types of visas, approximate Albanian visa security standards with Schengen ones and approximate the visa free regime with that of the EU *acquis*.

In light of the overall efforts for approximation with EU Standards, a gap analysis on the Albanian institutional and legislative framework as compared to EU and International standards was published in January 2004. The report, which is a result of close collaboration between IOM Tirana experts and the Albanian Government, highlights the existing gaps in the Albanian legislation on immigration and gives clear recommendations

on the measures that should be taken by Albania both in the legislative and institutional framework in order to be in line with EU *acquis* and other international instruments in the field of migration. The results of this report have been incorporated in this Strategy in the part regarding Immigration in Albania.

### **THE POLICY OF THE EUROPEAN UNION REGARDING ALBANIA**

The policy of the EU regarding Albania since the 1990s must be envisaged through the Stabilization and Association Process (SAP), which will lead to an agreement that paves the way to the integration of Albania as a new member state (1). Since the turn of the century Justice and Home Affairs have become an important field of cooperation between the EU and Albania in which the focus regarding migration policy was originally put on the fight against illegal immigration (2). Today a new approach is progressively emerging which enlarges the scope of cooperation in the field of migration. This prospect is particularly important regarding the content of the national strategy on migration for Albania (3).

#### **The global policy of the EU regarding Albania.**

The first agreement between Albania and the EU was concluded in 1992. It was a trade agreement and did not contain any issues regarding justice and home affairs. In April 1997, the EU General Affairs Council adopted the Regional Approach, establishing political and economic conditionality for the development of bilateral relations with the five countries in the region (Albania, Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia and the former Yugoslav Republic of Macedonia). Conditions included respect for democratic principles, human rights, and rule of law, the protection of minorities, market economy reforms and regional co-operation. In May 1999, the European Commission proposed the creation of a SAP for those countries. It is a framework in which various instruments help countries to undergo political and economic transition that prepares them for a new form of contractual relationship. The goal of this closer relationship is Albanian accession to the EU in the long term.

Following the Commission communication of May 1999<sup>6</sup> on the S.A.P. for countries of South Eastern Europe, the main objectives will be:

<sup>6</sup> COM (99) 235 from 26 May 1999, p.6.

- To draw the region closer to the perspective of full integration into the EU structures;
- To support the consolidation of democracy, rule of law, economic development and reform, adequate administrative structures and regional cooperation;
- To establish a formalized framework for political dialogue, both at bilateral and regional level;
- To promote economic relations, trade, investment, enterprise policy, transport and development and cooperation in the customs area;
- To provide a basis for cooperation in the field of justice and home affairs;
- To provide a basis for economic, social, civil, educational, scientific, technological, energy, environmental and cultural cooperation;

A programme entitled CARDS (for Community Assistance for Reconstruction, Development and Stabilisation) has been adopted to provide assistance to the SAP countries. As each country moves deeper into the process, assistance will focus increasingly on support for the reforms and institution building necessary to fulfil the obligations in the Stabilisation and Association Agreement.

The Thessaloniki agenda following the European Council of spring 2003 identified ways of intensifying the SAP process through the introduction of European partnerships. The purpose of the partnerships is to identify priorities for action in order to support efforts to move closer to the EU. The priorities are adapted to the specific needs of each country. It is expected that they will adopt a plan including a timetable and details in terms of how they intend to address the priorities. Other fields besides Justice and home affairs covered within the partnership agreement are democracy and rule of law, human rights and protection of minorities, regional and international cooperation, free market economy and structural reforms, management of public finances, environment and telecommunications.

The Stabilisation and Association Agreement, which has been in the process of negotiation between Albania and the EU since January 2003, will be based on four pillars in which justice and home affairs will be a priority area. At the time of writing the final version of the

present document, the text is still confidential and could be signed during the year 2005.

The importance of the international dimension of the SAP has to be underlined. Policies are not only conceived and implemented for Albania alone, but at a regional level including Bosnia and Herzegovina, Croatia, Serbia & Montenegro and the former Yugoslav Republic of Macedonia. At the Zagreb Summit that brought together the EU and the Balkan countries in November 2000, the Heads of State of the five above mentioned countries declared their willingness "to establish between their countries regional co-operation conventions providing for a political dialogue, a regional free trade area and close co-operation in the field of justice and home affairs, in particular for the reinforcement of justice and the independence thereof, for combating organised crime, corruption, money laundering, illegal immigration, trafficking in human beings and all other forms of trafficking.

**Albania targeted by the EC as a priority country in the fight against illegal immigration.**

Albania has been targeted on different occasions by the EU, which has put the emphasis on the fight against illegal immigration as one of the main priorities of the common policy for immigration and asylum initiated by the Amsterdam treaty and the Tampere summit as from 1999.

When the EU created the High Level Working Group on Asylum and Migration in 1998 in order to prepare action plans on the basis of the assessment of the situation in certain countries from which migrants are entering in the EU, Albania was one of the six targets identified by the Council of ministers. The main objectives of the action plan for Albania adopted at the end of 1999 were that:

- The EU should finance initiatives in the area of preventing immigration flows;
- The EU and the member states must put pressure on Albanian authorities to make every effort to prevent and combat the illegal trafficking of migrants from Albania;
- The EU should finance information campaigns in Albania to provide reliable information on regular immigration to the EU;

- The EU should exercise pressure on Albania to fully enforce existing readmission agreements. EU and Albania should further conclude a general readmission agreement in the context of a future stabilization and association agreement;
- The EU and its member states should support programs and initiatives that encourage voluntary return and reintegration to Albania.

In November 2002, the EU Council targeted Albania for the second time as a priority country in conclusions on "Intensified cooperation on the management of migration flows with third countries". A list of nine countries including Albania together with China, the Federal Republic of Yugoslavia, Morocco, Russia, Tunisia, Ukraine, Libya and Turkey was elaborated in order to intensify cooperation through a comprehensive dialogue and the inclusion of a clause on joint management of migration flows in any external agreement concluded by the European Community. In the country strategy paper for Albania during the period 2002-2006, the priorities assigned to Albania for Asylum and Migration were:

- To fight efficiently trafficking and illegal immigration;
- To develop adequate asylum and migration structures, taking into account that Albania is an important transit country for refugees, asylum seekers and migrants in their way towards Europe.

The Agenda for the Western Balkans adopted by the EU Summit of Thessaloniki in June 2003 again emphasized the importance of the fight against illegal immigration through cooperation between the competent authorities of the Western Balkans countries and the EU Network of Immigration Liaison Officers of the Member States, and through readmission agreements between SAP countries themselves and SAP countries and third countries. The EU is aware of the importance that the people and governments in the Western Balkans attach to the perspective of liberalisation of the visa regime, but that any progress in that direction is depended on the implementation by those countries of major reforms in areas of rule of law, combating organized crime, strengthening of administrative capacity in border control and security of documents.

Some evaluation of the results achieved has

been done. In its report to the European Council of Nice evaluating the progress till 2000, the High Level Working Group considered that "although this action plan was the last to be adopted, much progress has been made with its implementation". In the stabilisation and association report 2004, the European Commission evaluated the situation as follows:

- Some progress has been done in the field of visa policy;
- Only limited progress has been done as regards border management;
- A legal gap analysis has been done regarding the legal framework for immigration in Albania;

A readmission agreement has been agreed between the EC and Albania in December 2003 and is supposed to enter in to force in 2005 when the legislative procedure for ratification will be finalised. Taking into account that Albania with Macao, Hong-Kong, China and Sri Lanka is one of the few countries which has accepted to sign such an agreement with the EC, represents a major development as it covers not only nationals from Albania, but also third-country nationals transiting legally or illegally through the Albanian territory.

The reporting questionnaire for the period March 2003-February 2004 regarding the implementation of the Anti-trafficking strategy adopted by the Albanian Government in 2001 demonstrates that the success of this strategy is internationally recognized, in particular concerning transit immigration, but there remain some weaknesses related to the insufficient prosecution and judicial follow-up of investigations and the arrests of traffickers.

Finally, it is important to underline that the regional dimension is particularly relevant in the field of migration. In March 2001, the EU and SAP countries adopted a decision on concrete follow-up of the declaration adopted by the Zagreb summit in the field of asylum and migration. The Migration, Asylum, Refugee Regional Initiative (MARRI) aims to develop the adaptation of European Standards and to enhance regional co-operation within a co-ordinated approach to migration and asylum policy issues in the region. The following areas have been identified as being important for co-operation: asylum, legal migration, illegal immigration, border control, visa and entry policies. A seminar was held in Sarajevo in May 2001. This meeting had as concrete result the establishment of a Task

Force for the Co-operation & Development of Border management in South Eastern Europe. In November 2002, there was a ministerial conference in London about defeating organized crime in South Eastern Europe. Illegal immigration and trafficking in human beings was one of the major commitments made by the ministers there. Finally, during a regional conference held in Ohrid in May 2003, the Western Balkan countries together with four partner organisations (NATO, EU, OSCE and the Stability Pact) agreed on a common platform for Border security and management.

**The need to deepen the evolution of the policy on immigration towards a more comprehensive approach.**

The European policy on immigration initially focused on the fight against illegal immigration as demonstrated above, but has evolved slowly towards a more comprehensive approach taking better into account the interests of the concerned third countries. The Commission issued in December 2002 a Communication entitled "Integrating migration issues in the European Unions relations with third countries" on the basis of which the Council adopted conclusions on "migration and development" in May 2003. Those conclusions consider that "The long-term objective of the Community should be to continue to address the root causes of migration, in partnership with third countries, in due recognition of long-term development programmes on migratory flows, in particular poverty eradication, pro-poor economic growth, job creation, promotion of good governance, support for human rights, supporting population policy measures, institution and capacity building and conflict prevention". Underlining the need for a dialogue on migration issues between the Community and the third countries where migrants come from, the Council asked the Commission to make before the end of 2004 proposals on:

- Ways of regulating demand and supply and organising access of labour, e.g. through temporary residence-work permits;
- Ways to facilitate brain and high skilled labour circulation, e.g. through promoting outsourcing arrangements from EU Member States to developing countries;
- Strengthening communication facilities between trans-national communities and their country of origin;

- How the transfer of funds from the EU to source countries can be made cheaper and more reliable and to propose, where appropriate, pilot programmes to channel remittances into productive investment in countries of origin and assess their impact on migratory flows in the long-term;
- How to better integrate legal migrants living and working in the EU;
- Ensure coherence between migration and development policies since problems may arise from recruiting highly skilled labour from some developing countries;
- The feasibility and impact of generalising the hiring of staff originating from target countries for development cooperation under financial conditions sufficiently attractive to provide an alternative for emigration.

This evolution in policy is actually a return to the basics of the Tampere conclusions. Despite the emphasis put in those conclusions on the core principle of partnership with third countries, the EU has been too focused on its own priorities all related to the fight against illegal immigration, which is mainly, if not exclusively, in its interest. The conclusions on "a monitoring and evaluation mechanism of the third countries in the field of the fight against illegal immigration" adopted by the Council in December 2003 show that this evolution is not achieved and that the balance between the interests of the EU and of those of the third countries like Albania must always be reconsidered.

The envisaged mechanism focus exclusively on the fight against illegal immigration; if this can be seen seem as logical because it has been designed to implement the Sevilla conclusions requesting the creation of such a mechanism concerning third countries which do not cooperate in combating illegal immigration, it is surprising that Albania is targeted on this occasion. The progress accomplished by Albania, in particular with the recent conclusion of the readmission agreement with the EU which represents an important burden for Albania, are obvious and recognised by the EU, even if some efforts still need to be made, in particular for the implementation of that agreement. The scope of that mechanism can also be questioned in view to ensure a proper implementation not only of the fight against illegal immigration, but of all the parts of a

comprehensive migration policy, for instance the innovative measures envisaged in the national strategy for migration like the promotion of circular migration of Albanians and the mobilising of what should become an Albanian Diaspora for the benefit of the development of Albania.

The new developments in the very next future are more promising.

*According to the Council decision on European Partnership with Albania of 14th June 2004, the priorities for migration are as follows:*

*for the short- term:*

- Adopt and start implementing Albanias National Strategy for Migration;
- Ensure that the necessary procedures to sign and ratify the EC/Albania Readmission Agreement are completed as soon as possible in 2004.

*for the medium- term:*

- Ensure that Albania is in the position to meet the SAA requirements regarding EU citizens working and/or residing in Albania;
- Ensure the enforcement of all readmission agreements that Albania

has concluded;

- Attempt to conclude readmission agreements with all countries of the region and with the countries of origin of migrants transiting through Albania.
- Progressively conclude, ratify and implement all of the main international conventions in the field of migration.

Regarding the Stabilisation and Association Agreement between the EC and Albania, it is very likely that its provisions on migration will be very similar if not identical to those of the existing agreements with Macedonia and Croatia. Those agreements mention that "The parties shall cooperate in the areas of visa, border control, asylum and migration" and will set up a framework for cooperation, including at a regional level, in these fields. Cooperation will focus in particular on security of travel documents and detection of false documents, in the field of legal migration on admission rules and rights and status of admitted persons and on prevention and control of illegal immigration as well as readmission. Even if these instruments seem to be too focused on the fight against illegal immigration and in particular readmission, they leave the necessary margin of manoeuvre to cover the items that will be included in the National Strategy on migration for Albania.



# SECOND PART: POLICY GUIDELINES

## A. COMBATING ILLEGAL MIGRATION

### A.1. Addressing root causes of emigration

#### I. *Analysis of current situation*

It is generally accepted that people migrate when the place of their residence lacks the resources and opportunities to fulfil their needs and aspirations. This is also the situation for Albanian emigrants who have left for a better life for themselves and their children after a long communist era and a long transition period, which resulted in poverty and high rates of unemployment. The broad concept of better life covers the wide range of factors that make Albanians leave and is reflected in the lack of homogeneity among Albanian Emigrants. The main factors are the following:

**1. Economic factors:** Albanians left mainly because of economic reasons such as lack of employment economic opportunities, poor conditions especially in many areas where there is a lack of the main elementary facilities such as electricity, water supply, housing. High unemployment rates, especially due to the reforms in Albanian economy immediately after the fall of the communism, has been the main factor for the massive emigration flows of 90s up to date.

The lack of employment opportunities in Albania combined with the demands of the labour market in host countries for cheap labour force in fields such as construction, agriculture, tourism, etc has been a major incentive for the emigration of the unskilled. Many skilled Albanians with university degrees

have also emigrated due to the lack of adequate employment opportunities in Albania and are also employed in low skilled positions.

**2. Public security:** Albania has faced massive flows of emigration as a consequence of poor public security or civil unrest. A considerable number of Albanian professionals with a good financial situation have left the country for a more secure future for themselves and their family. This has been especially the case of massive flows during 1997.

**3. Weak institutions:** weak institutions result in the scepticism of the citizens for improvement of the situation in Albania when corruption and organized crime paralyse the normal functioning of state institutions. Weak institutions and lack of rule enforcement has also affected the efforts and desire of emigrants to return and settle in the country, especially when they face difficulties in establishing private enterprises or when dealing with the public administration.

#### II. *Presentation of the current policy*

Factors that have stimulated emigration are part of a wider problematic scenario that affects Albanian society in general. The Albanian Government has adopted several strategies to address some of the root factors listed above.

The National Strategy for Socio-Economic Development, which was adopted in 2001 for implementation during the period 2002-2004, is the first step taken for development of the country through sustainable and inclusive

economic growth. The aims of the Strategy are *inter alia* the reduction of the number of persons living in poverty, improvement of infrastructure and related services, the improvement of the health and education situation. In addition, a Strategy on Rural Development adopted in March 2002, has been adopted with a more focused approach in the fostering of growth and reduction of the poverty in rural areas. This document highlights the impact of emigration in the loss of the most active labour force in country, especially in the rural areas, and emphasizes the need to promote solutions to the causes of emigration rather than just repressing migration flows.

The Strategy on Employment and Vocational Training adopted in January 2003 is another initiative, which if properly implemented, would have a direct impact in the development of employment opportunities in the country. It envisages creation of job opportunities in Albania by improving the labour market, increasing training opportunities and developing small and medium as well as other enterprises. Even though this strategy is not specifically tailored for the management of emigration, its success would greatly affect it, as the main factor of that phenomenon is unemployment.

Regarding improvement of the functioning of the state structures, Albania has committed itself in many occasions to take effective measures to fight corruption and strengthen the rule of law enforcement. The Albanian authorities have shown their concern for fighting corruption in several policy documents such as the Strategy against Corruption of 1998, which has been followed by the Action Plan of 2002-2003 and the Action Plan of 2003-2004, which is currently under implementation phase.

### **III. Evaluation and prospect of the current policy**

Albania has in so far directly dealt with emigration mainly in the framework of measures against trafficking and for the management of borders control. However, by its nature, emigration cannot be successfully dealt with by repressive measures only, but requires preventive measures as well. This widespread phenomenon must be properly addressed with a development and rights based approach focused on the root causes of migration in a long-term perspective. This approach is in line with the European Common

Policy for Immigration. In point 11 of the conclusions of the Tampere summit of October 1999 entirely devoted to immigration issues, the heads of State and of Government stated that "The European Union needs a comprehensive approach to migration addressing political, human rights and development issues in countries and regions of origin and transit. This requires combating poverty, improving living conditions and job opportunities, preventing conflicts and consolidating democratic states and ensuring respect for human rights".

Albania has developed different strategies moving in a positive direction. However, they have only been adopted only very recently, and the process of their implementation is only starting. A coherent policy on emigration supposes that they are all correctly implemented. Emigration must be integrated as a specific concern in the framework of all the other relevant strategies. These strategies to be successful need to be seen as closely interrelated and mutually supporting despite the fact that some conflicting interests may emerge between the emigration policy and the other policies. It must also be accepted that their effects will only become sensible regarding emigration in the long run. The responsible authorities for every strategy should hence check in collaboration with the services and persons in charge of the emigration policy, if specific measures need or not to be taken regarding emigration.

Concerns about synergies with other strategies seem to have been taken in consideration by the Strategy on Rural Development and at least partially in the Strategy on Employment and Vocational Training, but not sufficiently in the Strategy on Socio- Economic Development.

The strategy on Rural Development adequately takes into account the links between emigration and agriculture. Relatively high incomes obtained by emigration have discouraged agricultural activities in the country. This is one of the main causes why Albania is obliged to import almost all the agricultural products from abroad. If the labour force would be stimulated, Albanian emigrants working in agriculture in the neighbouring countries such as Greece and Italy would probably prefer to do the same job at home rather than emigrating. Measures should be immediately taken to implement this strategy, to revitalise the agriculture sector in Albania.

The Strategy on Employment and Vocational Training mentions vocational trainings for returned emigrants that are in a poor economic condition. This is an adequate initiative if it is specially tailored to meet the needs of the returnees in order to avoid that they re-emigrate. However, the scope of the help provided to those persons should be broadened and include measures for sustainable employment or the creation of small and medium enterprises. More important, this strategy does not put enough emphasis on prevention namely to consider potential emigrants as a specific target group who should be addressed by special measures in order to avoid them leaving Albania to enter another country illegally. The project to register candidates for work emigration abroad which will be implemented by the Ministry of Labour and Social Affairs following the Law "On Emigration for Employment Purposes"<sup>7</sup> and the Instruction of Minister of Labour and Social Affairs "On the Functioning of the Register for Emigrants"<sup>8</sup> will give the opportunity to target Albanian would be labour emigrants in order

to ascertain their socio-economic situation and to offer them employment opportunities.

The Ministry of Labour and Social Affairs should conduct a study to identify the areas more affected by emigration and put in place a permanent mechanism to follow the evolution of the situation. This could be done through mapping the place of origin of Albanian returnees who are also planned to be registered by the Ministry of Labour and Social Affairs. On the basis of the data obtained this way, and proper correlation with unemployment figures, the creation of employment opportunities can be encouraged by trying to attract and favour investments in those areas.

The Strategy on Socio Economic Development does not specifically address emigration per se. It should at least give special attention to geographical areas that have been almost abandoned by emigrants due to the lack of elementary facilities such as water, electricity, and infrastructure and consider ways to revitalize them.

#### **IV. Proposal for measures of implementation**

1. Albanian institutions in charge of migratory policy should contribute and review sector strategies implemented by the different line ministries and with relevance to migration policy so that this important concern is properly integrated. Suggestions to future strategies should be incorporated prior to their final adoption and sought regarding their implementation. For the strategies currently in their implementation phase such advice should be viewed in order to expand and if appropriate amend their content (this should in particular be a priority for the implementation of the Strategy on Socio Economic Development). An implementation report should also reflect the compatibility and appropriateness of the concerned strategy with the National Strategy on Migration.
2. The Strategy on Rural Development should be reviewed based on flows of emigrants workers in the agricultural sector in order to develop more attractive job opportunities in that sector inside Albania.
3. The Strategy on Employment and Vocational Training should be firstly evaluated to check if returnees are provided with effective opportunities with regard to vocational training and secondly enlarged to include support for finding sustainable employment or to assist the creation of small or medium enterprise so as to defuse further potential migration.
4. The Ministry of Labour and Social Affairs will launch in collaboration with INSTAT, a study to identify the geographical areas particularly affected in Albania by high levels of legal, and to the extent possible, illegal emigration on the basis of relevant indicators in order to evaluate the current migration flows and monitor their future evolution.
5. On the basis of the results of the above survey, the Government will target the identified areas as a priority for supporting investments towards the creation of small and medium enterprises and where relevant, to improve health, education and infrastructure facilities.

<sup>7</sup> See Law No. 9034 date 20.03.2003

<sup>8</sup> See Law No. 1297 date 16.07.2004

## A.2. Return

### A.2.1. Return of Albanian Nationals to Albania by EU Member States

#### I. *Analysis of current situation*

It is difficult to gauge the flow of return migration to Albania as the population census of 2001 did not take into account returnees. The return process of Albanian migrants has ranged from voluntary to forced return and within this spectrum there have been a number of ways that return is implemented. Individual SomeSomlnidin return has taken place although accounts from local entities suggest that this phenomenon is limited. Over 300 individuals have returned to Albania between 2000 and 2004 through IOM voluntary assisted return programmes, mainly from Western European States. Depending on the programme of return, some material and financial assistance has been given to returnees.

In 2003, over 30.000 individuals were either readmitted or expelled back to Albania. A high level of return has been due to expulsion following irregular entry/stay in European States, where frequently individuals have been detained for that reason. Particularly high levels of return have occurred from states such as Italy and Greece where there is a high level of irregularity, and from countries such as the UK where Albanian migrants have been unsuccessful in their asylum claim. The number of readmitted nationals has increased over recent years due to facilitated procedures. Within the scope of existing Readmission Agreements, no special assistance is currently envisioned to returnees upon return with the exception of vulnerable groups (see below). In cases of expulsion from certain EU states returnees do not arrive directly to Albania, but are returned to Kosovo owing to a presumption of Kosovar identity. Such form of return has made it difficult for the authorities to verify the identity and to record incidents of return migration.

The return of Albanian migrants is most common through flights back to Albania, however, in the case of return from Greece and Italy this is directly undertaken over the border and at the Ports of Durres and Vlora. Upon return, the relevant authorities screen all individuals who have been expelled; mechanisms are currently being devised to ensure that vulnerable groups such as victims of trafficking and unaccompanied minors receive specialist assistance upon arrival at the national airport.

Little research has been undertaken into the

impact of return migration to Albania, however there is growing interest in this phenomenon, in particular driven by the increased number of readmission agreements. The kind of return (voluntary or forced) clearly has an impact on the sustainability of return and the ability and willingness for return migrants to reintegrate. Limited information suggests that return migrants conform to original emigration flows in particular of young single men.

#### II. *Presentation of current policy*

All Readmission Agreements cover both third country and Albanian nationals as outlined below. Those agreements cover procedural and administrative issues concerning return, which are managed by the Ministry of Public Order.

The National Strategy for the fight against trafficking makes no mention of return, but places return within the context of reintegration, while the draft action plan on return does contain provisions. The draft National Strategy for the Fight Against Child Trafficking is more comprehensive than the aforementioned National Strategy as it focuses on three dimensions of the return process: the protection and reintegration of child victims of trafficking; assisted voluntary return; coordination of child trafficking actors. The Action Plan on Free Movement has limited provisions concerning return, which relate mainly to readmission implementation. This Action Plan outlines the need for the training of police on issues of readmission while focusing on human rights according to a defined deadline and responsible actor.

A commitment to assistance to returnees can be found in the Law on Emigration for Employment purposes. According to Article 13 "The Government promotes voluntary return of emigrants in their home country and their economic and social reintegration through the creation of legal, financial and fiscal initiatives, including the implementation of business development, employment and vocational training." The Ministry of Labour and Social Affairs is the body responsible for the care and social protection of returnees. The Law on Consular Functions (article 4, paragraph 3) also provides for financial assistance for Albanian citizens to get back home in very specific cases upon the approval of the Ministry of Foreign Affairs. The National Strategy for Socio-economic development (2001) makes no reference to return migration and makes only limited reference to emigration, while within

the context of the National Strategy on employment and vocational training (2003), there is a recognised need to provide opportunities for vocational training schemes to return migrants with economic and social problems. Such measures are central to the recognition of the need to address the root causes of migration.

### **III. *Evaluation and prospect of the current policy***

The current policy shows a clear commitment to return as an element within migration policy, particularly with the conclusion of the EC/Albania Readmission Agreement. This Agreement is likely to come into force concerning Albanian nationals during 2005 and its implementation appears to be the main priority.

As the draft National Strategy for the Fight Against Child Trafficking is still not in force, the National Strategy on Trafficking has no provisions on return, and the Action Plan on free movement have still to be implemented, thus, the impact of measures on return has still to be seen. The aforementioned draft strategy can be seen to holistically provide assistance to unaccompanied minors who have been exploited, but could be interpreted to exclude unaccompanied minors where there is no exploitation.

The non-implementation of the legal basis concerning the Law on Emigration for Employment purposes has prevented policy measures concerning assistance to voluntary returnees being fully effective. A Council of Ministers Decision needs to specify which categories of voluntary returnees reintegration assistance will be eligible to and what kind of assistance will be provided.

### **IV. *Proposal for measures of implementation***

6. Take all measures for the adequate implementation of the readmission agreement.
7. Prepare and distribute brochures targeting potential voluntary returnees giving information on their status, rights and the services offered upon return through diplomatic and consular services and emigrant associations with the support from national and international organisations.
8. Adopt measures in order to provide minor returnees the necessary specific help and protection they need regardless of whether they have been trafficked and so fall outside the scope of the draft National Strategy for the Fight Against Child Trafficking.
9. Adopt the necessary bi-laws to implement article 13 of the Law on Emigration for Employment purposes concerning assistance to voluntary returnees.
10. Evaluate the implementation of the Strategy on Employment and Vocational Training concerning the opportunities for vocational training for returnees. Broaden the support to returnees to include sustainable employment and the creation of small or medium enterprise so as to defuse further potential emigration.
11. Task the National Employment Service and its regional and local offices with providing assistance to returnees.

Bearing in mind that many categories of returnees are not necessarily voluntary returnees, there is a need to adopt provisions covering other categories of returnees as well.

Furthermore, the National Strategy on employment and vocational training (2003) provisions concerning return migrants have still to be implemented. Concrete measures concerning the nexus between return and development should therefore be envisioned. Tentative research in the field of return migration suggests that possibilities for the creation of small and medium enterprises as well as sustainable employment should be envisioned, rather than just vocational training as mentioned in that strategy. All these measures can be regarded as central to addressing the root causes of migration and to ensure sustainable return.

At the same time, policy concerns need to be matched with adequate implementation. In this context there is a need to clarify and strengthen the entities responsible for screening and processing returnee migrants in particular with regard to readmission. Overall data collection recording and analysis concerning return migration needs to be improved. Within this framework further cross Ministerial collaboration is required between the Ministry of Public Order, which deals with the returns process, and Ministry of Labour and Social Affairs, which deals with the reintegration process. Within this context further information is needed concerning the place of return which does not always conform to the place from which the migrant originally moved from, in particular within the context of high levels of internal migration in Albania.

## **A.2.2. Return of third country nationals to Albania by EU Member States**

### **I. Analysis of current situation**

In 2000 the Southeast European region accounted for approximately half of the transit migration into Europe, including both nationals from the states of the region, as well as from third countries. To date there have been no recorded cases of the return of third country nationals according to existing Readmission Agreements with EC States. However, according to the Ministry of Public Order, the return of third country nationals (including a number of Kosovar migrants) has been undertaken from Italy and other states. There is a verbal understanding to date that third country nationals that have transited Albania are not to be returned to Albania. The EC/Albania readmission agreement includes a third country clause, but due to a two years derogation clause it will not be implemented at least until 2007.

### **II. Presentation of current policy**

A policy commitment to the return of third country nationals who have transited Albania

can be found in the Plan of Action on Free Movement. Albania has currently signed eleven bilateral and multilateral readmission agreements, not all of these agreements have been ratified or are in force as of yet. The majority of these agreements are with EU or accession states. The implementation of the EC readmission Agreement is a high priority within the Stabilisation and Association process.

### **III. Evaluation and prospect of the current policy**

Albania has shown good will by concluding the readmission agreement with the EC, in particular by accepting that it will cover third country nationals. The reception and return of third country nationals who have transited Albania is a mid term priority following the two years derogation clause. However, there is a need to address the issue from the perspective of planning. When it is considered that Albania is the only country in Southeast Europe to have signed a Readmission agreement with the EC, there is a need to avoid the "readmission trap" of third country nationals returned to Albania remaining stuck in Albania due to a lack of agreements with third countries as well as sufficient resources and faculties.

## **IV. Proposal for measures of implementation**

12. Plan all the measures to be taken for the implementation of the EC / Albania readmission agreement regarding third-country nationals, in particular the creation of a tracking system to ascertain the flux of third country nationals returnees;
13. Plan the adoption of the necessary legal rules on the expulsion procedure, including detention of returnees;
14. Plan the creation of the necessary detention facilities for third country nationals pending removal;

## **A.2.3 Return of third country nationals by Albania to third countries**

### **I. Analysis of current situation**

Return of third country nationals is closely associated with the identification of irregular migrants through the pre-screening system for the identification of irregular third country nationals on the territory of Albania. The overall number of third country nationals who have returned to their country of origin over the recent years corresponds to the decrease in identification of irregular migrants on the territory of Albania.

The return of third country nationals by Albania is also a relatively new phenomenon. At present, it appears that no third country nationals have been returned to their country of origin or another third country through existing readmission agreements or expulsion mechanisms. It is undertaken either through assisted voluntary return programmes, or by embassies of the concerned nationals directly. Within the context of the IOM assisted voluntary return programme, 194 returnees have been assisted to return to their countries of origin or to a third country since 2001. There is no information concerning the number of individuals who have been returned outside of this programme.

Assisted voluntary return is undertaken on the basis of the Memoranda of Understanding between the Ministry of Public Order and IOM. Individuals who are eligible for return assistance include migrants in an irregular situation apprehended by the Albanian authorities, irregular migrants stranded in Albania who voluntarily request to return to their country of origin and asylum seekers whose applications for refugee status have been rejected by the Albanian authorities and have no means to return on their own. Return is subject to the will of the migrant him/herself. A standard package is provided to returnees including information, psychosocial assistance, reception prior to return and transportation.

#### Initial Reception facilities and National Reception facilities

Currently irregular migrants (including victims of trafficking and persons who are not asylum seekers) are received initially at the "reception screening facilities" throughout Albania. These facilities are to be used for the first screening of irregular migrants by police prior to their referral to the pre-screening team. There are currently nine reception-screening facilities<sup>9</sup>, with further facilities envisaged to be created. The pre-screening team composed of representatives from international organisations as well as the Directorate of Refugees screens all irregular third country migrants in order to identify and; irregular migrants, victims of trafficking and asylum seekers and refer them to the relevant reception facilities.

The National Reception Centre for Victims of Trafficking accommodates Albanian and third country victims of trafficking. Irregular migrants who have not applied for asylum and wish to return to their country of origin have also been accommodated in the National Reception Centre for Victims of Trafficking in separate premises within the same facility with the support of IOM. Refugees and Asylum seekers (are received in completely separately in the National Reception Centre operated by the Ministry of Public Order with the support of UNHCR. There are no closed reception

facilities in existence.

## II. *Presentation of current policy*

The return of third country nationals is linked to the fight against irregular migration within the context of the pre-screening procedure. The pre-screening procedure, which has been operating since 2001, provides referral to the relevant entities within the Ministry of Public Order of irregular third country nationals including asylum seekers, irregular (economic) migrants and victims of trafficking with the support of international agencies. There are plans under way to create liaison officers between the border crossing point officials and the pre-screening team. The Law on foreigners details the procedure for removal and expulsion from the territory of Albania. The Ministry of public order is the responsible entity for the issuing and implementation of expulsion orders.

Within the Plan of Action for Free movement, objectives are to strengthen the services dealing with the conclusion and implementation of readmission agreements; to train police on readmission and human rights; to plan an investment programme for the building of reception centres and of transiting places for the treatment of cases of readmission and expulsion. The Strategy of Border Control and its Integrated management makes few references to migration outside of the creation of separate centres for asylum seekers and irregular migrants and signing and ratifying readmission agreements with countries of origin and transit of irregular migrants.

The legal basis for the reception and the detention of irregular migrants is the Law on the Guard and Control of the State border.<sup>10</sup> While the legal basis for the establishment of such centres of reception is the Council of Ministers decision no.46, dated 07.02.2002, which approves the Regulation on the Functioning of the Centres of Reception and Temporary Treatment of the Foreigners who are not Asylum Seekers. The General directorate of the border police is responsible for the running of such centres.

<sup>9</sup> The police reception facilities are located at Rinas, Tirana, Gjakaster, Vlora, Peshkopia, Shkodra, Elbasan, Kukes and Korca.

<sup>10</sup> Art. 5, Law 8772. This article states that foreigners who enter illegally on the territory of Albania and who are caught by the police in the border areas or within the territory of the country shall be sent in the temporary reception centres for foreigners. The location of the centres and their functioning is to be decided by the Council of Ministers.

### III. *Evaluation and prospect of the current policy*

The pre-screening mechanisms being undertaken by Ministry of Public Order in collaboration with international agencies has yet to be fully taken over by the relevant authorities. While there is a defined institutional partner within MoPO for the handling of potential victims of trafficking (the Counter trafficking unit) and of asylum seekers (Directorate for refugees), rather than one

specific entity within MOPO, a number of entities are involved with the handling of irregular migrants.

Voluntary Assisted return is for the moment the only existing mean of return to safeguard the asylum system. In order that voluntary assisted return programmes work as intended, there is a need for forced return to be undertaken. Expulsion mechanisms will need to be complemented by relevant assistance to returnees as per international standards.

### IV. *Proposal for measures of implementation*

15. Provide information on possibilities of voluntary return to irregular emigrants;
16. Provide pre-return information, medical assistance and counselling to all categories of returnees.
17. Reinforce collaboration with embassies of countries of origin in order to facilitate documentation for return;
18. Engage negotiations with third countries to conclude readmission agreements and request EC assistance in this.
19. Review current assistance provided by MoLSA for the shelter of voluntary irregular returnees in the National Reception Centre for victims of trafficking and consider alternative premises.

## B. **LINKING EMIGRATION OF ALBANIANS AND DEVELOPMENT OF ALBANIA**

### B.1. **Benefiting from Albanians abroad**

#### B.1.1. **Supporting Albanian emigrants**

##### B.1.1.1. **Improve the image of Albanian emigrants abroad**

#### I. *Analysis of the current situation*

The image of Albania and of Albanians abroad is often characterised by negative associations which do little to reflect the enormous rates of change taking place in the country, change that is for the most part is positive and is leading to improving the quality of life in a country recently emerged from 50 years of isolation. Albanian emigrants, especially in Greece and Italy, where the majority of Albanian emigrants live, for several years have been in the centre of a non-favourable climate, which in some cases is manifested in forms of discrimination and xenophobia. An anti-Albanian propaganda has been carried out by some of the mass media in host countries.

In order to remain within an objective and unbiased evaluation, it is useful to define the factors that have contributed in the creation of that image. Emigration has been prevalent among social classes characterized by low education and cultural standards, which has had a negative impact on the economic and cultural integration and has included a high criminal component. The use of xenophobia in the political and electoral debate on migration in the host countries has had a great impact on public opinion, judging from the empirical data of the press, Albanian emigration has been represented as a disturbing element for the society of the host countries. This gives a negative connotation to the Albanian emigrant community as a whole.

During recent years the image of Albanian emigrants has began to improve due to the positive contribution of some successful emigrants, such as pupils or students getting higher marks at school.

#### II. *Presentation of the current policy*

Despite the commitment of the Ministry of Foreign Affairs to promote a better image of



Albania abroad, only some private initiatives have been undertaken until now, with the rather symbolic support of the Government of Albania.

For instance an Albanian Institute for Culture opened in Vienna in May 2003 due to the financial contributions of Albanian emigrants in Austria and with the support of the Albanian President and Ambassador of Albania.

The United Nations Development Programme (UNDP) is implementing a project called "Image of Albania" in close partnership with the Ministries of Foreign Affairs and of European Integration. The objective is to improve both the quality and quantity of information that is available about Albania and to work with partners in Government, media and municipalities to build competencies in developing a more positive image of the country and its people. It aims at building capacity in Ministry of Foreign Affairs to produce timely accurate data on Albania for consumption by a variety of audiences to accurately target and reach those audiences.

### **III. *Evaluation and prospect of the current policy***

There does not seem to be for the moment any real policy to improve the image of Albanian emigrants in host countries. The government should build upon the experience of the initiatives mentioned above in order to do this. Due to the limited financial means available for that purpose, that part of the strategy should be focused only on Greece and Italy where most of the Albanian emigrants live, and those communities could be appealed to contribute financially and in other ways.

Despite the low number of Albanian emigrants in Austria, the fact that the first cultural institute opened in Vienna is a good initiative that demonstrates the vitality of the Albanian communities abroad and their readiness to collaborate in such projects. The time has come act upon the Presidents will as expressed in his speech before the diplomatic corps on 27 August 2003 during which he underlined that "The government should work harder to raise the necessary funds and establish the Cultural institutions, initially in those countries where there is a large Albanian community". The two concerned countries are obviously by order of priority Greece and Italy. The large size of the Albanian communities present in those two countries give hope to believe that part of the necessary funding could be made available by

the emigrants themselves.

In general, cultural bilateral agreements should be concluded at least with Greece and Italy in order to increase cultural exchanges and emphasise common aspects of heritage of both origin and host countries of emigrants.

Another way to improve the image of Albanians abroad is to promote success stories of Albanian emigrants in host countries taken from the best pupils and students (the press reported recently that Albanians get sometimes higher marks), entrepreneurs who run companies or have shown innovation through the creation of a small or medium enterprise, and/or sports (wo)men, scientists or artists. In order to identify such people, a publicity campaign should be launched with the aim to award the title of "Ambassador of Albania" which has already been given to some personalities by the President of the Republic. That award could be symbolic for the concerned persons, but financial resources would be necessary for the call for candidates.

The phenomenon of Albanian emigration during the nineties is commonly known, but unfortunately too often misrepresented by medias into the public opinion that reflects only the most negative implications such as criminality. The accent is generally put on the disadvantages of it for the host countries and the advantages are not emphasised or even ignored. Currently, the contribution of emigrants to their host country and in particular its economy, is considerable and should be underlined, as well the level of exploitation in the host country. The government should commission the Albanian State National Television to prepare a documentary on Albanian emigration to underline the complexity of that phenomenon and all its positive and negative consequences for Albania as well as for the host countries, in particular Greece and Italy. The cooperation of the Greek and Italian television should be requested in order to facilitate the gathering of information in the host countries and possibly to finance the project. A scientific committee should be created made of specialists in migration and of representatives of the association of Albanian emigrants to support the journalists in charge of the preparation of such a documentary and to provide the relevant data and statistics. To reach the largest possible audience, the documentary could be translated into Greek, Italian and English.

The efforts already undertaken by the Albanian authorities to deal with migration and in

particular to combat the organised crime linked to it through trafficking and smuggling should be underlined, with concrete and understandable data that should be circulated abroad. The adoption of the National strategy on migration will also provide a good occasion

to explain the cooperation which has been taken place during the last years with Greece and Italy in that framework and the progress done by Albania in the Stabilisation and Association process towards its integration into Europe.

#### **IV. *Proposals for measures of implementation***

20. Create Albanian cultural centres in host countries where there is an important Albanian community such as Greece and Italy, in order to promote the image of Albania and its emigrants as well as to offer certain services to the Albanian emigrant communities.
21. Include the migratory component to existing bilateral cultural programmes with Italy and Greece. Envisage its insertion into eventual future agreements with these countries.
22. Promote the case of successful emigrants in their host country, such as best pupils or students, entrepreneurs, sports (wo) men, scientists and artists. Encourage those persons to identify themselves to the Albanian authorities by the awarding the figurative title of "Ambassador of Albania".
23. Create a documentary by the Albanian State National Television on Albanian emigration since the nineties underlining the advantages and disadvantages of that phenomenon for Albania and host countries, in particular Greece and Italy and ensure it is translated in Greek, Italian and English.
24. Organise at least in Greece and Italy a media campaign to inform people of the efforts accomplished at national and international level by the Albanian authorities in the field of justice and home affairs, in particular regarding the fight against organized crime and trafficking and smuggling of human beings.

#### **B.1.1.2. *Improve the Albanian diplomatic and consular services for Albanians emigrants.***

##### **I. *Analysis of the current situation***

There are currently 43 Albanian embassies and consulates worldwide. The external representations cover all the countries where important Albanian emigrant communities have settled. In Greece and Italy, which are the two biggest host countries of Albanian emigrants, there are also two consulates in addition to the embassy (in Thessalonica and Janine for Greece and in Milan and Bari for Italy). In Turkey, there is also a consulate in Istanbul besides the embassy in Ankara. It seems that for the moment the only embassy which has created pages on the internet is the one in Paris in France.

##### **II. *Presentation of the current policy***

Following article 10, paragraph 1 of the law on "The emigration of Albanian citizens for employment purposes" of 20 March 2003 "The Albanian government, through the consular service in the host countries, helps and facilitates the solution of the problems of the Albanian emigrants abroad". The same

provision of the law in paragraph 4, states that "The Ministry of Labour and Social Affairs in collaboration with the Ministry of Foreign Affairs drafts and implement qualification programs for the consular service staff in the emigration field". Details about the type of help and facilitation are given in the law "on the exercise of consular functions by the diplomatic or consular representations" of 9 July 1998. Officers are supposed to help Albanian citizens abroad in need of assistance. This implies in particular legal counselling, assistance to the imprisoned Albanian citizens and assistance for the transportation of the body of the Albanians citizens who died abroad.

Regarding civil status, the General Directorate of the Civil Status in the Ministry of Local Government and Decentralisation co-operates with the Ministry of Foreign Affairs and its embassies and consulates. One special problem faced by Albanian consulates in charge of the legalisation of documents, is that Albanians birth certificates are filled in by hand and so often are illegible. In the future with the introduction of new certificates including security elements this will no longer be the case. The fact they are compiled in six foreign languages will increase the quality of the service provided to the emigrants.

A decision of the Council of Ministers n.828 of 11 December 2003 "On the template, component elements and the manner of maintaining documents by the civil status offices", introduces a new part in the model of the Primary Register of the Civil Status, in which the emigrant address abroad will be recorded. This supposes however that emigrants declare the fact that they migrate to the civil service offices and requires that proposals are put forward to encourage them to do this.

The diplomatic and consular services staff has received only limited training in the field of emigration. The Ministry of Labour and Social Affairs has disseminated leaflets concerning the Social Insurance of Albanian Migrants abroad. MOLSA, in collaboration with IOM, has also disseminated a book "Informed Migration" to the embassies in Greece and Italy, to promote a better understanding of immigration laws and practices. "Informed Migration" is the output of an IOM project entitled "Training Modules for Embassy Staff and other Key Migration Personnel. The book explains immigration procedures, lists the offices in charge of administrating them and gives in detail the documentation required when applying in Greece, Italy, Malta, Portugal and Spain. In order to promote voluntary insurance, the Albanian Government has produced leaflets with information on the voluntary social insurance scheme for distribution to migrants by the Albanian embassies in Greece and Italy.

### **III. *Evaluation and prospect of the current policy***

Some special attention has already been given to the host countries where the most important Albanian emigrants communities are settled with the opening of consulates in Greece and Italy. One must evaluate the extent to which those services have at their disposal the necessary financial means, and in particular the human resources.

Due to a lack of accurate information, each Albanian embassy located in a country where there is a significant Albanian community, should provide a detailed report on the help and assistance provided to Albanian citizens (number of persons concerned and type of help provided), but also on the situation of the Albanian emigrant community in the country it is responsible for. That document will be focused on the concrete situation of the emigrants and the difficulties they encounter

instead of a historical or general description. Later, each embassy will produce every three months a public report concerning the current situation of Albanian emigrants in the host countries on the basis of press reviews, the information they are legally obliged to collect or can collect themselves, in particular through their website, and the contacts with the associations representing the Albanians emigrants in the country and state institutions or associations defending the rights of immigrants in that country. These reports consolidated once per year, will be send to the Ministry of Foreign Affairs and all the ministries and institutions involved in the management of emigration.

All Albanian diplomats should have adequate knowledge in the field of human rights and migration policy, in particular regarding international and bilateral conventions on migration and rights of migrants. In order to be able to defend efficiently the rights of Albanian citizens, Albanian embassies and consulates should have at their disposal legal experts highly specialised in human rights and migration policy, having in particular an in depth knowledge of the immigration rules and practices of the country in which they are posted. Regarding Albanian citizens who are detained or prosecuted, the embassies should provided free legal aid if necessary in cases in which it is not guaranteed by the host country, in particular to ensure that the concerned person benefits from the service of a translator in Albanian if needed.

The content of the training provided to Albanian diplomats must be evaluated to ensure that it includes a part on human rights and migration policy as described above, including the management of the Albanian communities abroad. A precise list of the number of lawyers specialised in migration law available in the embassies and consulates as well as in the central services of MoFA must be elaborated. Regarding the knowledge of national rules and practices of the host countries, the most adequate solution could either be to train Albanian officials in cooperation with the services of the host country competent in the field of migration, or to recruit or collaborate with specialised lawyers from the host country. Either solution could be identified by the embassy or consulate depending on local conditions and the context at the duty station. Appropriate courses should be introduced for diplomatic staff.

One of the Albanian universities within Albania should be encouraged and supported to create a special advanced programme on migration law and policy.

Basic information should be made available through internet concerning each individual embassy and consulate service. The information made available should cover at least how to contact the embassy or consulate and the kind of services they provide to Albanian citizens.

Due to the limitations of financial means and the concentration of Albanian emigrants in Italy and Greece efforts should firstly focus on embassies and consulates in these countries. The experience gained could later on be transposed to the other Albanian embassies and consulates in the world following an order of priority based on the importance of the Albanian community in the concerned country.

#### IV. *Proposals for measures of implementation*

25. Give priority regarding the implementation of the following proposals to Greece and Italy and list the order of priorities for the other countries on the basis of the criterion of the importance of the Albanian community in that country;
26. Evaluate the human resources specialised in legal advice regarding migration law for emigrants available in MoFA and the embassies and consulates and elaborate a plan to provide them with the necessary resources;
27. Include (if it is not the case) an adequate part on human rights and migration policy in the training of Albanian diplomats;
28. Publish, on the basis of a draft prepared by the embassies, a detailed report on the assistance given to Albanian citizens and on the concrete situation of the Albanian communities in the concerned countries (embassies will report on a three months basis and MoFa will publish a consolidated report once per year);
29. Ensure that Albanian emigrants detained and involved in judicial procedures abroad have, when necessary, access to legal aid and translation in Albanian.
30. Make available through the internet basic information regarding accessibility of the offices and the services provided to Albanian citizens for each Albanian embassy and consulate;
31. Contact the University faculties for law and social or political sciences to envisage the creation of a special advanced programme on law and migration policy.

#### B.1.1.3. **Protecting rights of Albanian Emigrants**

##### 1. *Analysis of the current situation*

###### Abuse before departure

People that wish to migrate are often vulnerable to abuse. Examples of smugglers promising wealth in the host state in return for a significant payment for their "services" are evident and quite frequent. The State Labour Inspectorate receives complaints about private employment agencies, charging high amounts to jobseekers for job mediation with foreign contractors. This means a threat of article 4 of the Decision on the Licensing and functioning of the private employment agencies<sup>11</sup>, stating that the costs of mediation should be covered by the employer and free of charge for the job seeker.

#### *The situation of emigrants abroad*

As the two main host countries for Albanians are Greece and Italy, the analysis of the current situation will focus on these two countries.

The situation of Albanian emigrants in Greece Since the early 1990s, Albanian emigration towards Greece changed into a phenomenon with a regional importance. Albanians in Greece are in a considerable number, more than half a million. They compose of 65% of the total number of emigrants. A considerable number of them remain without regular papers.

Emigration has created a dual tier labour market in host states, with a gap between the legal economy and the illegal labour sector marked by jobs with low salaries that are usually filled by the emigrants, mainly by

<sup>11</sup> DCM No 708, date 16.10.2003

Albanians. Housing conditions remain very poor. The main points of critical importance are medical treatment (Albanians who are irregular residents have no access to hospital care, even in emergency cases) and misconduct by segments of the law enforcement officials<sup>12</sup>. Discrimination is a widespread phenomenon.<sup>13</sup> Violent incidents on the Greek/Albanian border remain a particular matter of concern.<sup>14</sup>

Certain Greek circles and even sometimes certain sectors of the Greek press have cultivated seed of distrust and xenophobia especially towards Albanian emigrants. Nurtured by statements linking illegal immigration to rising criminality, they led to violence against immigrants. Despite official statements and denunciations by the Greek political, social and religious establishments, this widespread attitude has mostly gone unrestrained.

*The situation of Albanian emigrants in Italy*  
Albanian community in Italy is the second largest group after the Rumanian community. In January 2004, they were around 224000 Albanian emigrants with regular documents. Albanians have received large coverage in the representation of the Italian media, in particular after the 1991 and 1997 migratory waves, and their image has largely been associated with criminality. Albanians resulted among the foreign groups more strongly stereotyped and stigmatised. Those dynamics have favoured the diffusion of a common sense perception that has made many people easily inclined to identify Albanians as criminals. Such a deep-rooted and lasting negative image is undoubtedly a major obstacle to the social integration of Albanians. However serious infringements of human rights towards Albanians specifically are not reported.

#### *Social protection abroad*

The problems that may occur in the field of social protection are of at least threefold. Due to the irregular status, most of Albanian emigrants abroad do not have access to health and social services. The second problem may occur when social protection is not arranged properly in the case of seasonal, though regular, migration. Furthermore there is a danger for migrants to lose the benefits of social

insurances acquired while abroad if agreements to transfer the rights are not concluded.

## **II. Presentation of the current policy**

### *Mediation by private employment agencies*

Private mediation for employment will be exercised only by licensed Private Employment Agencies (article 1). At the time of writing, approximately five licensed private employment agencies exist, mainly in Tirana. To protect job seekers from abuse, the State Labour Inspectorate keeps a check on the work of the agencies through inspections.

### *The Albanian legal framework on the right of emigrants*

Pursuant to article 8 of the Law on the emigration of Albanian citizens for employment purposes, "The Albanian government helps and facilitates the integration of emigrants in the host countries, implementing the rights and obligations arising from the international conventions in which the Republic of Albania is a state party". Article 12 adds that "The Albanian government also takes care of citizens and their families who live and work in the host countries but have not yet obtained the status of the emigrants". Article 15 further engages the government to create appropriate regulation concerning social insurances, stating that "*The social insurance for the long term and short term Albanian emigrants are regulated according to the Albanian and host country legislation on the social insurance, to the bilateral agreements in this field and to the international conventions for the social insurance in which the Republic of Albania is a state party.*"

The developing policy of the European Union  
The EU is engaged in a policy aiming at protecting the rights of emigrants in general. It tends first to ensure to third-country nationals legally resident in the territory of the Union have comparable rights to those of EU citizens as recognised by the conclusions of the Tampere summit in October 1999. Some directives regulating at the same time admission into the EU and rights of the persons admitted have been adopted on that basis. The second aim of the policy is to protect rights of third-country nationals through the principle

<sup>12</sup> Amnesty International report 2004

<sup>13</sup> US Department of State, Country Reports on Human Rights Practices, Greece 2003.

<sup>14</sup> Information from the Greek Helsinki Committee, 2004

of equal treatment. Two legal instruments have therefore been adopted: the directive of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin and the directive of 27 November 2000 establishing a general framework for equal treatment in employment and occupation. Recent developments in particular the need to combat disquieting episodes of intolerance, xenophobia and exploitation have led to include concerns of integration of third-country nationals into the immigration policy. A communication on immigration, integration and employment has been adopted by the European Commission on 3 June 2003 (COM(2003)336) and has been followed by the first annual report on Migration and integration on 16 July 2004 (COM(2004)508). A network of national contact points on integration has been established between the Member States. One of the main concerns in that new field is the language abilities of emigrants, in particular for newcomers.

#### *Regularisation*

One of the factors, probably the most important one, that has influenced the position of Albanian emigrants positively, has been the regularisation carried out by host countries, in particular by Italy and Greece. These measures still continue.

As for Greece, since January 2004<sup>15</sup> emigrants can obtain permits for the duration of two years instead of one. A ten-year stay in Greece may lead to the issuance of a permit without time limit. The two-year residence permits shall cost about 300 Euros per person, whereas the unlimited ones cost approximately 800 Euros per person.

#### *Social protection*

Albania has ratified the European Social Charter (revised)<sup>16</sup>, which requires state parties to maintain a system of social security and to take steps by conclusion of bilateral/multilateral agreements in order to ensure the rights pertaining to social protection. This approach is also found in the Law on Emigration as quoted

above.<sup>17</sup> The Albanian government strives to create agencies for the delivery of the voluntary insurance contributions of the emigrants in the host countries.<sup>18</sup>

Albanian emigrants have the right to be insured in Albania in the voluntary insurance scheme.<sup>19</sup> In order to promote voluntary insurance, the Albanian Government has produced leaflets with information on the voluntary social insurance scheme for distribution to migrants by the Albanian embassies in Greece and Italy. Currently 70% of people enrolled in the voluntary contribution scheme are emigrants.

Albania has ratified several agreements in the field of Social Protection in order to ensure the right of insurance such as the agreements with Bulgaria, Romania and Turkey. The conclusion of agreements with neighbouring countries, as well as with those countries with a large number of Albanian emigrants, has been considered as priority. In this light the Collaboration Protocol on technical level between the Italian Institute for Social Protection and the Albanian Social Insurance Institute.<sup>20</sup> Such Protocol of Collaboration has been also concluded with Greece.

### **III. *Evaluation and prospect of the current policy***

#### *Abuse by private employment agencies in Albania*

The State Labour Inspectorate faces difficulties in controlling the private employment agencies to prevent abusive practices. No sanctions exist in case abuse is found, apart from the withdrawal of the licence. The withdrawal of the licence will not avoid abuse, since agencies, often working as travel agents as well, also work without licence. Article 9 of the Law on Emigration, prohibiting the provision of false information, does not seem to be applicable for these cases. The government should search for solutions through efficient sanctions, including possibly a criminal offence by agencies as well as freelance individuals who profit from want and naivety of migratory services seekers.

<sup>15</sup> As a result of the Legal Package attached to Law no. 3202/2003 on "Electoral expenses for the local elections, the administration and running of the local government.

<sup>16</sup> It entered in force in 1/1/2003.

<sup>17</sup> Art.15.para.1. Law on emigration

<sup>18</sup> Ibid.

<sup>19</sup> Law no. 7703, date 11.05.1993 "On the Social Insurance in the Republic of Albania", Art.7 Regulation no. 35, date 19.06.2002 "On the Voluntary Insurance in the Social Insurance Institute

<sup>20</sup> Signed on 27.03.1999

### *Diplomatic efforts*

The government of Albania has often advocated for the rights of emigrants, but their situation abroad depends obviously on the law and policy as well as the political willingness of the host countries to uphold such rights. Despite important difficulties and even the poor situation of a number of migrants abroad, some encouraging developments have occurred. The Greek Ombudsman in 2002 informed his Albanian counterpart that his office has prepared a form in Albanian for distribution to Albanian immigrants in Greece in order to facilitate the introduction of complaints by them. On the contrary, Greece is one of the EU Member States that have failed to adequately implement anti-discrimination directives, as the action brought in July 2004 against Greece by the European Commission before the European Court of Justice demonstrates.

The standards of EU legislation regarding the rights of third-country nationals present in the EU Member States are high and are currently improving with the development of the common policy on immigration. The problem is to ensure their effective implementation and to combat discrimination against third-country nationals.

In conjunction with the efforts that should be undertaken by the diplomatic and consular services to help the Albanian emigrants on the basis of the proposals formulated in the part of this strategy on consular services, the Albanian Government should develop a proactive policy to enhance the effective implementation of the rights of Albanian emigrants. It therefore should search for cooperation with all the partners who can be mobilized for that purpose such as authorities and associations of the host states, associations of Albanian emigrants and international institutions specialised in the protection of migrants.

A consultative process needs to be established between Greece and Albania to examine the situation of Albanian emigrants in these countries. A special body composed of representatives of the governments should be established at a high level between the different ministries in charge of migration policy with that purpose. Contacts could also be taken by Albania in agreement with the Greek government with the Greek Ombudsman, which receives complaints from emigrants and seems so far to be the body in charge of the

implementation of the principle of equal treatment on the basis of the directive of 29 June 2000.

The network of Albanian communities abroad should be used to inform emigrants about the possibilities to oppose violations of human rights and to lodge complaints with the national monitoring bodies, and eventually at the international ones, such as the Ombudsman of the European Union and the Commission on petitions of the European Parliament, as well as bodies in charge of the implementation of International or European conventions on the protection of migrants ratified by Greece and Italy.

### *Regularisation*

Regarding the protection of the rights of emigrants, the government highly appreciates these measures. In practice regularization policies and their implementation could be further pursued and improved. Procedures to obtain residence permits on this basis are often very long. Issuance of temporary permits if they are for a short term may lead to the lapse of migrants into unauthorised status again, depending on the conditions for renewal and the legal status during the procedures for renewal. Albania should lobby for regularisation policies in which the loss of a job does not immediately lead to the loss of the permit. From the prospect of the fight against irregular migration it should be emphasized that by establishing a coherent and comprehensive migration policy, these kind of measures or periodical regularisation should eventually become redundant.

### *Social protection*

Bilateral agreements further to the Protocols of Collaboration with Italy and Greece have not been concluded yet. Albania should therefore take all the necessary measures to conclude such agreements. The possibility for transferring social security benefits to Albania should be envisaged, as well as proper arrangement to cover social protection in case of seasonal migration.

The commitment of Albania to create agencies abroad to facilitate the voluntary social insurance contributions has not yet materialized. Even though emigrants have the right to voluntary contributions, they must pay these contributions in Albania. Agencies should be created in Greece and Italy, in accordance with Law on Emigration for the payment of voluntary contributions by Albanian emigrants.

#### IV. *Proposals for measures of implementation*

32. Engage, and promote with all possible partners, a proactive policy for the protection of the rights of emigrants abroad, in Greece and Italy as the main host countries of Albanians on the basis of the following proposals.
33. Contact the Greek and Italian governments to propose the establishment between the ministries in charge of migration of those countries and of Albania, of a high-level consultative commission meeting once per year in order to examine the situation of the Albanian emigrants.
34. Request the Special Reporter of the Human Rights of Migrants of the United Nations to organise a visit in Greece and in Italy in order to prepare a report on the situation of Albanian emigrants in those countries
35. Contact the European Group of Regional and Local Authorities in the field of Immigration (ERLAI) based in Brussels, in which Greek and Italian local authorities are represented in order to investigate the possibilities for support of the policy for the protection of Albanian emigrants.
36. Encourage and support the establishment of close contacts between associations of Albanian emigrants and Greek and Italian associations for the defence of immigrants;
37. Inform Albanian migrant associations in Greece and Italy about the different ways to lodge complaints about the violations of emigrants rights through both national bodies and international bodies as well as European bodies
38. Encourage and support the Albanian migrant associations in Greece and Italy to ask for the creation of local consultative bodies for foreign residents in cities where Albanian emigrants concentrate, on the basis of the handbook prepared by the Congress of Local and Regional Authorities of Europe of the Council Europe.
39. Closely monitor the transposition by Greece and Italy of the EU directive of 22 September 2003 on the right to family reunification and the EU directive of 25 November 2003 concerning the status of third-country nationals who are long-term residents, in order to lobby for the adoption of the most favourable provisions for Albanian emigrants.
40. Commission a study to analyse the concrete effects of the various procedures of regularisations of illegal immigrants in particular for the Albanians in Greece and Italy.
41. Undertake advocacy for regularisations to avoid that immigrants fall again into irregularity after a short period of time by giving them the possibility to secure their status, even as job seekers, upon certain conditions to be defined.
42. Lobby for a decrease in the price of residence permits in Greece and envisage if necessary to support legal actions against disproportionate prices.
43. Proceed with the conclusion of bilateral agreements on social protection.
44. Implement the intended measures for agencies abroad dealing with voluntary contributions to social insurance.
45. Search for solutions to avoid abuse by private employment agencies, through efficient sanctions, including possibly a criminal offence.
46. Lobby in the appropriate international and national venues for the quick conclusion and ratification of the International Labour Organisation Conventions upholding the rights of all migrants and their families as the more solid legal basis to promote them and legally pursue cases of abuse and misconduct.

#### **B.1.2. Mobilizing Albanian Communities Abroad**

##### **I. *Analysis of the current situation***

There have been three main stages of the emigration of Albanians during the last century. The first one during period before communism,

marked by a high number of departures. The second including the low number of Albanians who left the country during the communist period. The third wave, is the one which coincided with the post communism opening during which largest numbers of individuals left in an unregulated manner.



**DISSEMINATION OF ALBANIAN  
EMIGRANTS IN THE WORLD**

COUNTRY	EMIGRANTS
Greece	600 000
Italy	250 000
Germany	15 000
USA	150 000
United Kingdom	50 000
Belgium	5 000
France	2 000
Canada	11 500
Swiss	1 500
Austria	2 000
Netherlands	1 000
Turkey	5 000

Albanian emigrants are concentrated in Greece and Italy on one hand, the USA and the UK and elsewhere on the other. Many emigrants in Greece and Italy remain illegally resident and are not well integrated in those host countries. Many emigrants in Greece and Italy remain illegally resident and are not well integrated in those host countries. There are numerous Albanian communities abroad, their level of organization and consolidation varies hence it is hard to speak of an existing Albanian Diaspora.

**II. Presentation of the current policy**

According to the Albanian Constitution, The Republic of Albania protects the rights of its citizens with a temporary or permanent residence outside its borders. (Article 8, point 2). The law on Emigration for employment purposes provides a legal basis for different aspects of the policy on Albanian communities abroad. For example “The states guarantees (...) the preservation and strengthening of the links of the emigrants citizens with the Republic Of Albania”. (Article 1, paragraph 2) “The Albanian government assures and supports the contact of Albanian emigrants, through the elected representatives of their organizations, with the central and local government authorities in order to represent and protect their interests”. (Article 6) “The government supports and helps the creation, strengthening and development of the Albanian communities abroad, collaborates with them by consolidating activities initiated by clubs,

unions, associations and Albanian families aiming the strengthening of their ties with the home country” (article 11). The second paragraph (of article 11) concerns the preservation of the Albanian communities abroad: “The government, in compliance with the legislation of the host country, as well as the bilateral and multilateral agreements in which the Republic of Albania is a state party, takes care of the education of the emigrants and their families in the Albanian language, creates possibilities to preserve the language, culture and national inheritance as well as the spiritual links among the communities of the emigrants”. Finally, article 5 is a fundamental provision for the political rights of emigrants.

Albanian citizenship is regulated by the Law 8389 dated 05.08.1998 on Albanian citizenship. Article 7(2) of the Law says, “Everyone born of at least one parent with Albanian citizenship shall acquire Albanian citizenship automatically”. One of the requirements for naturalisation is to reside lawfully in Albania for not less than five years; this period is reduced to one year for foreigners married with an Albanian citizen for a period not less than 3 years and is reduced to three years if the foreigner proves that he is of Albanian origin up to the second degree. These conditions are not required if that person is of scientific, economic, cultural or national interest for the Republic of Albania. The law authorises dual citizenship.

The Institute for Diaspora within the Ministry of Foreign Affairs is tasked with; collecting information on the Albanian Diaspora, preparing the geographical and demographic atlas; promoting contacts of every possible level between the Diaspora and Albania; promoting and guarantying Albanian citizens who life and work abroad; identifying university and advanced university students currently studying abroad.

The immigration policy of the host countries is of course of primary importance for the situation of the Albanian communities abroad. The EU is currently developing a new policy for the integration of immigrants. One of the main objectives is the acquisition by immigrants of the language of the host country and their improvement in order to facilitate their integration in the host society and in particular their ability to find a job.

### III. *Evaluation and prospects of current policy*

The legal framework reflects the importance of the Albanian communities abroad for Albania, but the provisions need to be implemented in order to consolidate the policy framework. Such a policy can be, as various experiences around the world show, a very effective tool to foster the development of the country of origin. Emigrant communities have yet to be used as intermediates for developing business, trade and investments between their host country and Albania. They will obviously not engage themselves in initiatives for the mere hypothetical benefit of their home country if this does not correspond at least to a certain extent to their personal interest. A policy to mobilise Albanian communities abroad makes only sense if it is implemented within and overall environment favourable to business, trade and investment.

Due to the diversity of the groups of Albanian emigrants abroad, an objective of such a policy should be to connect those persons sharing the same national background through different type of networks interlinked in a so called "Diaspora". The networks should gather Albanian emigrants on a qualitative basis (profession, location), as the Diaspora collects

them all together on a quantitative basis.

The policy on Albanian communities abroad is intended to include migrants of Albanian nationality in host countries and not minorities in the neighbouring countries (otherwise referred to as the historical Diaspora). The inclusion of historical Diaspora such as the Arberesh is possible within the context of preservation and reinforcing of the link of those persons with Albania in the context of a global world in which individuals can develop multiple identities without questioning their membership to the country where they live or belong to.

The objective of the TheTheAlbanian policy on Albanian communities abroad should be compatible with European policy in preserving the knowledge of Albanian language by the generations of children of Albanian emigrants, while improving the knowledge of the host states language by emigrants.

Hence, cultural mobilisation of Albanian communities abroad should be viewed as a means of promoting multiculturalism also within host states. However, the mobilisation of the Diaspora also has potential economic dimension, which is outlined, in other areas of the strategy.

### IV. *Proposals for measures of implementation*

47. Make the building and the mobilisation of an Albanian Diaspora as one of the main political priorities of the migration policy and promote it around the world
48. Map out and make a priority list of countries in which the community of Albanian emigrants will be targeted by the policy on Diaspora.
49. Commission an in depth study on the situation and the dynamics of the Albanian community in those countries and on the possibilities to link them into a Diaspora for the benefit of Albania.
50. Provide the Institute of Diaspora of the MoFA with the necessary means to accomplish its new mission related to the implementation of the policy for Diaspora.
51. Make a precise inventory of the different Albanian associations existing in the targeted countries.
52. Make a precise inventory of the Albanian newspapers, radios and television functioning in the targeted third countries.
53. Organise the first congress of the Albanian Diaspora in Tirana in order to define a plan of edification and mobilisation of an Albanian Diaspora.
54. Launch a debate about the representation of the Albanian Diaspora through the creation of a permanent body and its prerogatives, for instance like the prerogative of initiative for making policy proposals to the Albanian Government and Parliament.
55. Launch a fund raising campaign for the organisation of that congress with financial contributions of emigrants complementary to the budget made available by the government.
56. Encourage and facilitate the creation of special networks of Albanian emigrants through the world on the basis of different associative criteria like profession, geographical location, common interests, skills).

57. Define means (newspaper, website) for linking those networks in a Diaspora.
58. Support the extension of the coverage of the National Albanian State Television to third countries where there are Albanian communities of emigrants.
59. Commission the National Albanian State Television and Radio to continue produce programmes especially designed for the Albanian Diaspora to be aired in conjunction with the broadcasting services of the host countries.
60. Ascertain the feasibility to fulfil the principle of equal political rights form migrants; conduct a careful feasibility study to ascertain the possibility for the Albanian emigrants to vote abroad in Albanian embassies or consulates for the election of the National Parliament.
61. Take measures to encourage and support creation of Albanian language courses in host countries of emigrants
62. Organise and promote the creation of standard curricula for the teaching of Albanian for emigrants children in cooperation with the educational establishment of the receiving countries.
63. Organise the possibility for Albanian students to be welcomed and helped abroad by members of the Albanian Diaspora in order to facilitate their studies in foreign universities.
64. Attract the members of the Albanian Diaspora to come to Albania for tourism as well as for longer stays.
65. Involve the Albanian Diaspora in the conception and implementation of the policy on remittances and define measures in order to attract investments from the Diaspora.

### B.1.3. Drive remittances to investment into business

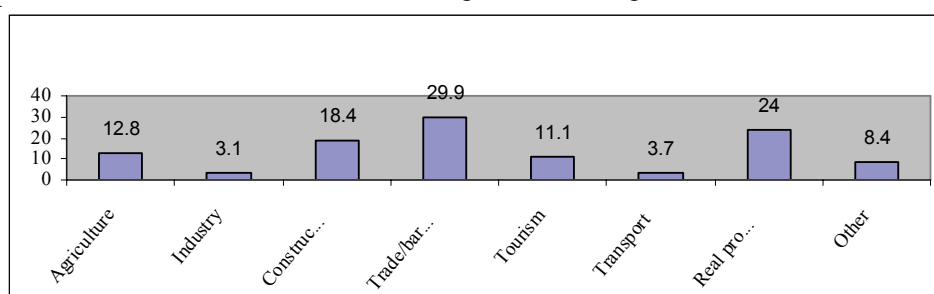
#### I. *Analysis of the current situation*

##### *Importance of remittances*

Remittances are the main mechanism for the poverty alleviation in Albania and for increasing family income in particular. They constitute a valuable economic aid not only for recipient families, but also for the socio-economic

stabilization of the country as a whole. The usage model of remittances in Albania shows that they are mainly used to meet daily needs (food, clothing, etc); secondly to improve the quality of life (electronic equipment, home furniture etc); thirdly to enlarge and construct new homes. In addition, a small part of remittances are used to maintain traditions, (marriages etc) and deposited in the banking system or kept home. Only in a few cases are remittances used to buy real estates, in the services sectors, agriculture, etc.

The will for investments of Albanian migrants according their economic activities



Source: Centre for Economic and Social Studies,  
The survey on the foreign currency remittances of international long-term migrants,  
January 2003

An analysis of remittances flow during the transition period shows a considerable increase over the years. Remittances play a major role in the partial finance of high commercial

deficit, but they cannot be considered as eternal, because it is difficult to foresee remittance flow from the emigrants in medium-term perspective.

The amount of transferred remittances during the period 1993-2003

Year	(GDP)	IHD (FDI)	Commercial Balance	Remittances	In % of GDP	In % of FDI	In % of Commercial Balance	Exchange rate Lek /USD
1993	1228.0	58.0	-489.7	274.7	22.4	473.6	56.1	102.1
1994	1948.0	53.0	-459.9	378.1	19.4	713.4	82.2	94.7
1995	2476.0	70.0	-475.2	384.7	15.5	549.6	81.0	92.8
1996	3013.2	90.0	-678.3	499.5	16.6	555.0	73.6	104.5
1997	2163.8	48.6	-534.9	267.2	12.3	549.8	50.0	148.9
1998	2737.9	45.0	-603.7	453.5	16.6	1007.8	75.1	150.6
1999	3444.4	41.3	-662.8	356.6	10.4	863.4	53.8	137.7
2000	3694.5	143.0	-821.0	530.8	14.4	371.2	64.7	143.7
2001	4103.0	220.2	-1027.0	614.9	15.0	279.2	59.9	143.5
2002	4494.0	135.0	-1155.2	606.8	13.5	449.5	52.5	140.2
2003	6111.4	178.0	-1336.3	778.1	12.7	437.1	58.2	121.9

Importance of remittances for the Albanian economy can be highlighted by their contribution to GDP, where they are roughly estimated to contribute to 1/6 of GDP. Their importance is also measured when comparing the amounts remitted to the foreign direct investments (FDI) or official development assistance (ODA). In the period 1993-2003, foreign direct investments accumulated in the Albanian economy, were estimated 1082.1 million USD, whereas the accumulated value of remittances was 5144.9 million USD or fivefold. In addition, remittances have been more considerable than the foreign aid that Albania has received every year from the international institutions (amounting to 3104 million USD from 1992-2002).

Remittances also had a positive effect on the macroeconomic stability of the country by financing imports, covering the value of local currency and supporting the fast development of construction and services sectors.

As a consequence remittances have been a major factor in determining a defining the features of the Albanian transition, the

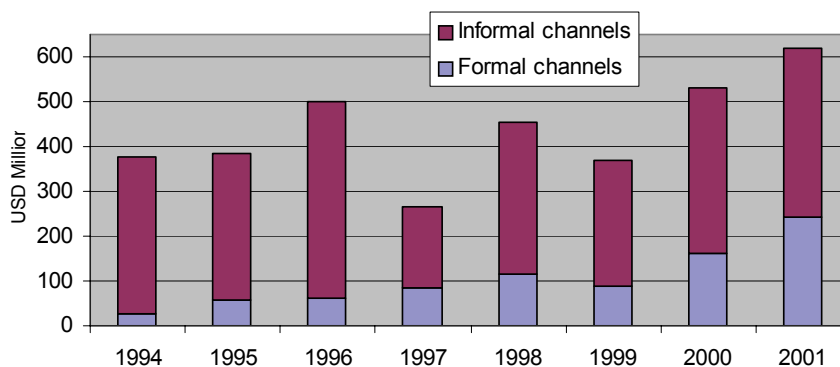
extroversion of economy, which means that internal consumption is bigger than national production. Whereas from the point of view of injection of foreign financial flows, compared to other east and central transition economies, Albania is the only country similar in this respect to East Germany.

*Main characteristics of remittances and channels of transfer*

Precise evaluation of remittances flow is difficult to achieve as monetary transfers outside of the banking system are very large and most remittances are not transferred through the formal banking system.

The transfer of remittances to Albania is schematically occurring through two channels, either formal or informal. Overall, as per the below table, the informal channels remain the most convenient and preferred means of transferring remittances to Albania. According to estimates of the Bank of Albania, about 61 % of the amount of remittances for the year 2001 were transferred through these channels. This is mainly done either by the migrant or by their network of relatives and friends.

Dynamics of remittances and their transfer through formal and informal channels



Source: Bank of Albania, 2003

Selecting how to transfer remittances to Albania depends on a number of factors, such as regular or irregular status of the worker in the receiving country, short or long term migration, development and effectiveness of the banking system in Albania, trust by emigrants in the banking system which was seriously affected by the collapse of the pyramid schemes in 1997, level of the knowledge by the migrants and their relatives on the banking system, cost of transfer for small amounts, existence and effectiveness of informal channels, unwillingness by migrants to disclose the money transferred to Albania. This latest points could be as a result of a distrust in national authorities/formal banks.

Because remittances transfer through informal channels also bears risks, a small share of the migrants uses couriers or money transfer services by paying a commission. This component is thus very important but is practically impossible to study accurately.

## **II. *Presentation of the current policy***

A legal basis for a remittances policy can be found in article 14 of the law No. 9034, dated 20.03.2003 "On the emigration of Albanian citizens for employment purposes" following which "The government of Albania creates facilities and favourable conditions for the monetary deliveries of the emigrants to the Albanian banks".

Furthermore, the Albanian Government intends in its programme for the period 2002-2005 "to encourage more formal absorption of remittances from emigrants by offering a more favourable environment in order to improve the ratio between consumption and long-term investment". General reforms that could push emigrants to invest remittances into business have already been undertaken or are currently implemented.

The approval of Law on the Bank of Albania and the Law on Banking System were the first steps undertaken at the beginning of the nineties. Some progress is under way to stimulate domestic and foreign investment. The government has recently adopted a medium term strategy "For the development of small and medium enterprises". This strategic document aims at creating a favourable environment for the creation of SME. A comprehensive remittances management framework would support this favourable environment for the creation of SME, by devising mechanisms that link investment

opportunities for remittances to SME development.

Moreover, micro-credit and micro-finance institutes have proven to be effective in serving clients that are too small for commercial banks. The increasing importance of the Albanian micro credit institutions is supported by the "2003-2005 medium-term expenditure framework (MTEF)", a budgetary program prepared by the Ministry of Finance in compliance with the National Strategy for Social and Economic Development.

## **III. *Evaluation and prospect of the current policy***

Despite the importance of remittances to the Albanian economy, a policy for remittances management for enhanced socio-economic development of the country is not yet developed. To date, policy measures aiming at channelling remittances through formal structures and promoting saving and investment in the country are insufficient. The weakness of the financial system entail the almost exclusive use of remittances for the purchase of imported goods, and critically constraints therefore their potentially positive impact on the local economic system.

Two factors motivate the need to urgently define and implement a coherent policy for remittances management. Firstly, their sheer size and impact on the Albanian economy. Secondly, remittances flows should not be perceived as eternal: as migrants integrate into their host countries, the ties that support the sending of remittances may diminish, leading to reduced flows.

It goes without saying that economic stabilisation and a better climate for investments are basic preconditions necessary to implement any policy on remittances. Recognising that remittances are first and foremost private and family funds, the main goals of a remittances policy for Albania would be twofold: increase formal remittances inflows, but also enhance their developmental impact. Consequently, such a policy should identify measures to:

- **Increase formal remittances inflows:** the large remittance flows through informal channels reflects the demand for improved formal channels in terms of efficiency, security, cost and anonymity. Among regular migrants,

only one third had access to banking facilities, and their relation banking structures were made difficult by language related obstacles (the application forms are normally written in host country's language) and the sometimes excessive amount of paperwork and bureaucracy requested in order to open a bank account. This could entail an improved banking system, development of specific remittances tools for migrants, development of a regulatory framework to increase competition among formal remittances actors to reduce transfer costs, detailed incentives for migrants for formally remit (remittances bonds, foreign currency accounts, premium interest rate accounts, tax breaks on imported goods, matched funding etc). In particular, Albanian banks could receive emigrant workers remittances through the intermediation of "correspondent banking institutes" in the host countries and the Albanian micro-credit and micro-finance organizations could be utilized as local agencies of a remittances canalization process.

- **Enhance the development impact of remittances:** it appears that banks have hitherto shown limited interest in developing an approach to credit and saving stimulation targeting migrants,

or to strategies aimed at capturing part of the remittances market. Usually banks are not inclined to focus their services on emigrants since that target clients are mainly perceived as precarious workers and their transactions have a comparatively low return and high management costs. Special financial products could be designed for emigrants. This entails supporting the linkages between remittances and investments (for example by linking remittances flows to access to loans or micro-credit projects) and supporting the contribution of migrants and migrant associations to local development. Finally, enhancing the development of remittances also entails strengthening relationship with the communities of Albanian emigrants abroad for information sharing on new and competitive remittances channels and investment opportunities. Remittances distribution coverage could be improved by authorising micro-finance institutions and/or credit unions - that have wide financial in-country networks, combined with services adapted to the earnings of low-income populations - to participate in the remittance market, either as a stand-alone actor or as a distribution partner to existing actors.

#### IV. *Proposals for measures of implementation*

66. Conceive and implement urgently a coherent and comprehensive policy for remittances management.
67. Take measures to transform informal channels of transfers of remittances into formal but less costly ones
68. Take measures to increase remittances inflows through incentives for emigrants who bring their saving into the country, such as the introduction of favourable rate of exchange or higher interest rates
69. Encourage dynamic private firms to attract remittances by means of financial products, such as corporate bonds.
70. Inform emigrants on investment opportunities available in Albania through medias, banks (internet, leaflets), etc.
71. Offer incentives to emigrants who invest remittances to specific sectors of the economy
72. Improve and extend the banking services for emigrants in their host country and for their relatives in Albania (mainly in the receiving cities and rural areas), for instance through the intermediation of "correspondent banking institutes".
73. Incite banks of host countries with the help of Associations of Albanian emigrants to define ad hoc products especially designed for emigrants.
74. Create funds for development at local level in order to support remittances investments
75. Help micro-credit and micro-finance institutions to carry out policies aimed at channelling remittances through agreements with financial associations in the immigration countries
76. Encourage emigrants associations to promote local development by collecting voluntary donations among their members to finance investment in their native town or village.

## **B.2. Organizing an adequate emigration policy**

### **B.2.1. Management of circular migration**

#### **B.2.1.1 Access to information on emigration possibilities**

##### **I. *Analysis of the current situation***

Article 7 of the Law on Emigration obliges the State to supply potential labour emigrants with information. The Ministry of Labour and Social Affairs is accountable for that task. In practice, information concerning labour migration should be obtained from the National Employment Service (N.E.S.) and its regional and local offices. Those offices also act as an interlocutor between Albanian job seekers and employers abroad.

The Law on Emigration (article 18) further points private employment agencies as a source of information. According to this article, the government recognises and supports the activity of private employment agencies that consists in mediation between the job seekers and job offers outside Albania and providing information and mediation for the management of the employment of Albanian citizens inside and outside the country. These services should be free of charge for job seekers, except the necessary expenses for the completion of the administrative file. The employer must cover the expenses of the mediation service.

The International Organisation for Migration (I.O.M.) in coordination with Minister of Labour and Social Affairs has created a Migrants Assistance Centre (M.A.C.). This is an informational centre that serves migrants and those in the community who are interested in the migration phenomenon. The information available includes visa application forms and required documentation, application guidelines on specific immigration programs, migratory legislation and cultural information. These are complemented by easily available reference material on a range of specific issues such as long-term residence, obtaining of citizenship and a range of other specialized and specific issues. A migration Counsellor is on duty to answer clients questions and provide advice on migration related matters. The Centre has been operational since 2003 and has served about 600 clients from all over Albania. Most of the clients have been males with secondary education, looking for ways to either find employment abroad or to emigrate with their

families. Most sought destinations are Canada, Italy and Greece. Even though at the moment the Centre is located in Tirana, IOM is in the process of expanding its services to the regions of Albania that are most susceptible to irregular migration.

Concerning immigration, the Ministry of Foreign Affairs supplies information for foreigners who want to move to Albania. The Ministry has an Internet website where the addresses of the Albanian embassies can be found.

##### **II. *Presentation of the current policy***

The Migration Directorate of the Ministry of Labour and Social Affairs currently works on information brochures about migration to Italy and Greece.

The National Employment Service has been subject to reorganisation recently: migration is now covered by a Sector for Migration and Labour Relations in the Directorate of Employment. The objectives, mission and duties are specified in a regulation:

- Supporting the respective departments of Regional Employment Offices (REO) for the correct implementation and in due time of the obligations deriving from legal acts and bylaws, as well as instructions and respective regulations in this field.
- Coordination of work, in order to implement the objectives of MoLSA in this field between REOs and MoLSA.
- Gathering information from REOs and reporting this information to the respective structures in the General Directorate of NES in due time.
- Cooperating with the Directorate of Migration in MoLSA for mutual exchange of information.

Based on the regulation for the sector on Migration and Labour Relations of the National Employment Service, the regional and local offices will be involved in migration matters.

##### **III. *Evaluation and prospect of the current policy***

The Ministry of Labour and Social Affairs recognises the need for better information for those who are interested in migrating. The major decision people make to emigrate is too often based on vague and idealistic ideas on possibilities of living abroad. People too often

run in the arms of smugglers or traffickers who promise them a better life, without having realistic expectations. Legal possibilities to migrate and the requirements that should be fulfilled, in particular in order to work abroad, should be pointed out to potential emigrants. Migrants in a foreign labour market are not always fully aware of their rights. Being somehow a vulnerable group, they face too often situations in which employers treat them differently from national employees. Emigrants should be aware of the possibilities to oppose and appeal against discrimination.

#### *Target group*

The provision of information by the governmental bodies and obviously the private employment agencies is strongly focussed on (potential) labour migrants, mainly because of the legal basis in the Law on Emigration that has a focus on migration for employment purposes. This target group is however too narrow. Information should be available for all groups of would be migrants such as family members and students as well as people abroad on a short term basis such as those who leave for business and health reasons.

#### *Information sources*

The development of material such as brochures is a step forward in the right direction to information supply. Practical information should be available at all places where potential migrants may turn to for information: national, regional and local employment offices, libraries, post offices, passport offices, NGOs that deal with services to Albanian (e)migrants, municipalities, etc, entry and exit points as well as through the main carriers.

Information should also be available through the Internet: a special web site for emigration should be built by MoLSA that contains all relevant information. In order to optimise its accessibility, other relevant websites of Albanian authorities should have a link to that site. Leaflets and brochures should also refer to the website.

The information policy of the Albanian government should have an active component. A media campaign could be developed in order to make people aware of the information they can get on emigration (TV and radio spots could

be produced to refer to the sources where information on emigration can be obtained). Presentation insisting in particular on the risks of illegal migration and trafficking could also be developed schools and universities throughout all the country.

#### *What kind of information*

- The information should cover all aspects of emigration. Attention should be paid to:
- The risks and consequences of irregular migration, in particular of trafficking of human beings
- Possible legal channels to migrate
- Possibilities of mediation for a job abroad
- The rights of migrant workers in country of destination
- Registration needs in the different stages (pre-departure, in the country of destination and at return)
- The consequences of social protection of the emigrant and his/her family
- The implications of tax law
- Voting rights

The entities in charge of emigration should give general information as well as personal advice concerning migration. The information could also include very practical issues, such as availability of application forms and eventually assistance to fill them out. The Migrants Assistance Centre managed by I.O.M. could be taken as an example for the services to potential migrants and possibly decentralised at local level through agreements with local institutions and non-profit organizations.

#### *The entities (subjects) in charge of disseminating information*

Emigration Counters (as proposed in the chapter on the Institutional framework) should be in charge of the dissemination of information. These counters should be spread throughout the country using existing administrative structures for instance the National Employment Service (N.E.S.) or the municipalities. Obviously, the information and assistance provided should be expanded so as to cover all categories of migrants. The personnel available in those counters should therefore be adequately trained.



#### **IV. *Proposals for measures of implementation***

77. Target every category of emigrants and not only workers with the policy on "Informed emigration";
78. Create and appoint Emigration Counters as proposed in the chapter on Institutional framework, as the institution in charge of the policy on informed emigration; provide adequate training to their personnel;
79. Develop leaflets giving detailed information on emigration and distributed them largely in the country through different public services;
80. Create a web site on the internet giving detailed information on emigration
81. Launch a governmental information campaign through TV and radio spots promoting the existence of information sources on emigration;
82. Organise presentations in schools and universities on emigration insisting in particular on the risks of illegal emigration and trafficking of human beings;
83. Harness the experience of communities and association of Albanian abroad in order to channel an appropriate and reliable picture of the situation at host country level.

##### **B.2.1.2. Registration of migrants**

###### **I. *Analysis of the current situation***

One must distinguish between the civil status registration and registration of emigration. The first one is a basic component of every State, as the second seems to be less important from that point of view. It becomes of course a key question for the management of emigration.

The civil registration in the National Register of the Civil Status in Albania belongs to the responsibility of the Civil Status Service. The Law on the Civil Status creates the possibilities for Albanian citizens to register at the embassies abroad. It says, "diplomatic representatives maintain registration books of the civil status, administrate documentation and undertake actions on the civil status for the Albanian citizens, with permanent residence abroad, due to registration envisaged in this law and other legal provisions"<sup>21</sup>. There is a link between the civil register in Albania and the register at the embassies. The registration of changes in the civil status at embassies happens on voluntary basis.

The legal basis for the registration of labour emigrants can be found in the Law on Emigration for Employment Purposes in article 8 which says that "The Albanian citizens who wish to emigrate outside Albania for employment purposes are registered in a

specific register "For emigrants" which is held by the Ministry of Labour and Social Affairs".

###### **II. *Presentation of the current policy***

The Civil Status Service until now does not have to possibility to identify people residing abroad. A compulsory registration mechanism when one leaves the country does not exist for the moment.

The Minister of Labour and Social Affairs has adopted an Instruction<sup>22</sup> for a central register at the Ministry of Labour and Social Affairs and registers at the regional and local level. Emigrants can register at the Regional or Local Employment Office at three different stages of their journey: when they wish to migrate for employment purposes, when they have finalised the procedures for departure, and when they return. That registry does not yet function in practice due to the fact that the instruction has been adopted very recently (on 16 July 2004), but it represents a first step to gather relevant information.

###### **III. *Evaluation and prospect of the current policy***

When it comes to successful emigration management, registration is obviously indispensable to provide the government with the necessary data to devise and monitor a proactive policy. To do this, one should carefully

<sup>21</sup> See Art. 65 of the Law on the Civil Status No. 8950, date 10.10.2002.

<sup>22</sup> See Instruction No. 1297, date 16.07.2004.

take into consideration the target group, the registration stages, the registering body, the data that should be registered and the question of voluntary / compulsory registration, in particular the benefit that could derive to the migrant from being registered and its eventual costs as well as connection to the national civil registry and other national databases. Finally, further attention should be paid to the legal framework for registration.

#### *Target group*

The registration of emigrants is now based on the Law on Emigration for Employment Purposes and therefore regards only labour migrants. In the light of the reasons for a register -a clear view on the movements of citizens abroad and their skills- this register is too narrow in focus. Registration should embrace all emigrants<sup>23</sup>, including students and family members of emigrants.

#### *Registration stages*

The Regional and Local Employment offices are now charged with the registration of labour emigrants. As described before, registration so far has been conceptualised as a three-stage process including: wish, pre-departure and return.

Is registration at these three stages is relevant and needed for all emigrants? The sole wish to migrate seems to be relevant only for migration management of migrant workers. The employment offices can indeed register job seekers who want to work abroad for mediation purposes. The statistics derived from this register could play a role in the country's policy on labour migration. Registration in the "wish stage" should only count for labour migrants.

Pre-departure registration can serve several goals:

- It gives the government clear figures of who resides in the country and who (temporarily) does not. This data can be compared and managed along side with the civil service registers to ascertain the composition of the local population.
- Secondly, it can be used to get information on the characteristics of the emigrants abroad.
- Thirdly, registration before departure can be used as an opportunity by the government to inform its citizens about difficulties and dangers of (illegal)

emigration. It can also be a means to check documents and even -through the diplomatic and consular representations abroad- check for example the content of the work contract or if the employer is bona fide. This measure would help to prevent migrants from situations of abuse.

The government will define in detail within the strategy plan of action the goal to be pursued and choose the best form and model to be utilized in accordance with that and in line with the current modernization of the civil registry.

The registration of return migrants will also help the understanding of migration flows and give the opportunity to compare the data collected with the content of the civil service registry.

Although the Instruction does not mention it, a register actually part of the Albanian civil status exists at the embassies in the countries of destination. That registration could be used to facilitate consular services and to provide the necessary data for the policy on the mobilisation of the emigrant communities.

#### *Registration bodies*

Registration abroad is done at the respective embassies and consulates. For the registration of emigrants in Albania regarding the different stages distinguished above, the question arises which body should be in charge of it.

Registration by the border police is not feasible and recommended because it is too time consuming, in particular if the data collected is very detailed, it can also be misunderstood by the citizens as a type of control and in contradiction with the right to leave the country.

On the basis of the instruction adopted by MoLSA, the National Employment Service and its regional and local offices are in charge of the registration of labour emigrants. The tasks of the NES could be expanded with the registration of all emigrants. The government could however consider using other existing administrative structure for registration of emigrants.

Regarding the computer network, which needs to be created, a link could of course be established with the National Register of Civil Status.

<sup>23</sup> This notion should be redefined for the purpose of registration.

### *Data*

The registration of emigrants can and should provide the government with data relevant for the proactive management of emigration. However, the content of data to be registered depends to a large extent to the goals of the emigration policy as well as on legal guarantees and provisions of confidentiality in the handling of personal data.

The pre-departure registration which is the most important stage, should include personal details such as the reasons for migration, age, educational background, professional skills and experience of the migrant, the intended period of migration, the name and address of any dependents who stay behind, and if possible, the address abroad. For the development of the register, the form for the departure stage, which is created for the labour emigrants, could be a starting point.

Regarding civil status, emigrants should be obliged to simply declare their absence from Albania to the civil status offices and their address could possibly be removed from the register. The length of absence must be defined by legislation.. Registration at the moment of return must obviously also be compulsory. The law on the civil status should be amended to clearly specify those obligations for Albanian citizens.

### *Compulsory registration*

Compulsory registration of the absence of residence in Albania at the Civil Status Service, and re-registration upon return seems indispensable for a reliable Register of Civil Status. Regarding emigration, the government should, per stage, decide if registration is to be compulsory or voluntary. Ideally registration should be desirable for migrants namely linked up to a number of benefits that the migrant will draw on, but ultimately this exercise should be mandatory for all who will reside abroad for a period longer than three months. The need of a tool providing data for the management of emigration is obvious and the choice should therefore be in favour of compulsory registration. Examples in other countries show that the obligation to register is often not complied with hence it should be accompanied with incentives. The possibility to vote at the embassy could be given under the condition that the person is registered. In the pre-departure stage, emigrants should be made aware of the fact that registration is a way to facilitate services at the consular services. Emigrants may consider further registration as an intrusion on their privacy. The government should carefully consider which data are really needed for efficient migration management.

## **IV. *Proposals for measures of implementation***

84. Organise a large-scale debate on the registration on emigrants to define precise policy options or at least alternatives to the goals of the registration system.
85. Confirm the choice for compulsory registration of emigrants and define at which stage this registration should be undertaken (pre-departure in Albania or in the country of destination through the Albanian embassies or consulates).
86. Define incentives in order to encourage emigrants to register themselves at the different stages.
87. Extend the registration foreseen for emigrant workers to include all emigrants in accordance with a new definition of that notion.
88. Define the data to be collected in accordance with the goals to be pursued by registration.
89. Commission an in depth technical study to analyse the modalities of implementation for the system of registration on the basis of the policy options or alternatives concerning the points mentioned above.
90. Upgrade the National Civil Register with the addresses of citizens residing abroad and create a link with the registration system at the embassies;
91. Upgrade the National Civil Register with information concerning the absence of citizens (citizens should be obliged to simply declare to the Civil Status Service their absence for more than three months and have their address scraped if it will supersede six months; consequently, they should be obliged to register again upon return).

### **B.2.1.3. Bilateral labour agreements as a tool for circular migration**

#### **I. Analysis of the current situation**

Three agreements for labour migration have been concluded to date between Albania on the one hand, and respectively Greece<sup>24</sup>, Italy<sup>25</sup> and Germany<sup>26</sup> on the other. All agreements set a maximum period of time in which the emigrant is allowed to reside in the host country for the purpose as described in the agreement.

The aim of the agreement with Germany was to offer guest workers vocational training, language skills and work experience. 500 to 1000 guest workers per annum could profit from this agreement. The Agreement is currently not operational.

The agreements with Greece and Italy are both designed for seasonal migration. Italian regions are allocated sub quotas out of the annual quota for labour migration set out every year under the Italian law (quote law no). Regions therefore can conclude agreements for (seasonal) labour in their region. Contacts exist with inter alia Lombardy, Puglia etc.

The numbers of emigrants who have been employed abroad based on these agreements is not available. The general impression is however that these numbers are limited and that the agreements do not function optimally.

People that wish to migrate for labour purposes can register themselves at the Employment Offices which cooperate with private employment agencies. These offices can mediate with foreign employers. Private employment agencies can also mediate for job seekers. In practise private employment agencies face difficulties placing their clients abroad due to the high informality of the system and the difficulties of private and public brokers to draw timely and effective contact with potential employer or national and regional employment officers in host countries due to the often complex bureaucratic requirements present there.

#### **II. Presentation of the current policy**

Discussion on labour migration possibilities take place at bilateral political level (such as the

one with Italy about annual quotas of Albanian worker to be admitted by law). This has in particular been the case with Italy, Greece and Germany in order to improve the implementation of the existing agreements. One of the reasons for the very limited implementation of existing agreements is that the responsible body for implementation or monitoring is not clearly defined as well as high bureaucratisation, and fragmentation in the processing and clearing process.

There is a relatively large number of individuals overstaying beyond the contract period that has somehow put off receiving countries regarding the fullest application of the agreement drawn up in particular with regional seasonal migration.

#### **III. Evaluation and prospect of the current policy**

Despite the fact that emigration has had positive consequences for the country such as the diminution of the pressure on the internal labour market and subsequent reduction of level of unemployment, and the income generated by remittances send back by emigrants, Albania cannot base its future policy on the continuous emigration of its citizens. Albania will not be able to develop if it continues to permanently lose its population, in particular its manpower. Also the EU member states have a limited propensity to accommodate large amount of migrants due to internal political agendas and unfavourable economical conditions.

Albania has committed itself to combat illegal emigration and has taken effective measures in that sense. The adoption of a national strategy for migration implies clarification of the basic options for the country regarding emigration, in particular for labour migration. A realistic option for Albania for her own benefit as well as due to the immigration policy pursued by the European member States, is to conclude and implement additional agreements to manage seasonal migration, promote temporary migration and lobbying for appropriate quotas for migrant workers when possible, to be negotiated with potential host countries. These negotiations should be based on a thorough assessment of manpower conditions and surplus and a long-term policy

<sup>24</sup> Signed in 1997.

<sup>25</sup> Signed in 1996.

<sup>26</sup> Signed in 1991.

of education that links job and professional outcomes with the matching of existing opportunities.

- Seasonal migration needs to be managed based on the demand and needs of the neighbouring countries and the advantages of this type of migration for Albania (acquisition of new habits and certain professional skills and fast injection of remittances and at the same time preservation of the local population since migrants are supposed to return). In parallel, a policy aiming at the revival of the agricultural sector in Albania must be conducted in order to foster the employment of agricultural workers inside Albania;
- Temporary migration (other than seasonal migration) could also be pursued by the Albanian government through the active negotiation of quotas for migrants workers. Quotas could be negotiated with host countries to meet labour market demand, in particular with Italy. Vocational training abroad must be encouraged either through the conclusion of bilateral vocational training programmes, or by providing training on the job available abroad.
- A policy on circular migration should be linked to incentives and proper services for Albanian return migrants after the end of the period of legal migration. Incentives for migrants to respect visa time limits that rule must be identified; by Albania and host states. Bilateral agreements on seasonal migration should envisage the facilitation of work and residence permits for workers who returned after the season (those who prove that they returned effectively in Albania should have preference the next years or even benefit from such a status valid for a certain number of consecutive years).
- Vocational training programmes should enable the worker to find priority access to employment once he/she is back home possibly through the provision of ad hoc quotas and or other incentives to have a national component to help the persons to find a job in Albania;
- Temporary migrants workers with skills, capital and relevant contacts abroad should be stimulated to establish a small or medium enterprise upon their return.

In addition, the government should negotiate both bilaterally and with the EC in future negotiations for the adoption of an innovative policy that could be defined as the half opened door based on the movement of people in a form of circular migration, which is often presented as the new model, in particular by the European Commission, but remains till now rarely implemented. The mobility of people for the benefit of both Albania and host states, by avoiding that migrants remain in the host state because they fear not being authorized to return to that host state when they temporarily return to Albania (the so called blocking of migrants in their host country despite their legal status).

- Albania should endeavour to convince third countries to include into their national legislation the right to return for third country nationals including Albanians that benefit from the status of long term resident in that country on the basis of the EU directive of 25 November 2003 or of more favourable national rules after a long absence (see article 9 of the said directive envisaging the loss or withdrawal of the status of long term resident in the event of absence for a period of 12 consecutive months, but allowing Member States to derogate to that principle);
- Persons who become pensioners having worked a certain number of years in the host state, should not be deprived from the right to remain in case of return to Albania and be allowed to continue to benefit from the medical insurance system of that country;
- Migrants (for instance Albanian students having obtained a degree abroad) who legally spend time in a third country a period of time which has to be defined in agreement with the concerned host third country, should be able to maintain the professional and social contacts they have established. Those migrants should obtain successive multiple entry visas valid for a long period. The present strategy formulates in the part devoted to short-term visa policy some proposals to achieve that goal.

Labour migration agreements with third countries are of great interest for Albania and are an effective way to achieve the goals of its policy -focus on seasonal migration, enhancing

channels for legal emigration and combating illegal migration and protecting rights of emigrants.

Those agreements still need to be negotiated by Albania with the targeted Member States of the European Union on an individual basis due to the fact that the EU Council of Ministers has for the moment not adopted the directive for migrant workers proposed by the Commission in July 2001. This should not prevent Albania to use the channels of the European Union, and in particular the future organs, which will be created to implement the future Stabilization and Association Agreement, in order to put forward its demands.

A second generation of bilateral agreements needs to be immediately negotiated with Italy and Greece, rather than amend the existing

agreements. The government could later focus on other countries facing labour shortages to conclude other agreements on the basis of the experience gained. In order to benefit from advice and ensure compliance with international standards, the help of the International Organization for Labour (I.L.O.) could be requested.

The aforementioned instruments could be used as a tool to contribute to the development of the Albanian employment policy. Such migration policy makes only sense if it takes place in a more broader policy aimed at the development of employment in the country based on the attraction of national and foreign investments, as well as the creation of small and medium enterprises also with the contributions and the resources of the Albanian migrants.

#### **IV. *Proposals for measures of implementation***

92. Give priority to the conclusion of a second generation of agreements for seasonal migrant employment with Greece and Italy;
93. Try to conclude agreements for temporary migration, including if possible a vocational training component for emigrants;
94. Include in all the agreements incentives and provisions for return of emigrants in Albania or link temporary migration with national incentives for return (such as complementary vocational training in Albania or support for creation of small or medium enterprises);
95. Try to promote circular migration between Albania and third countries by measures favouring the mobility of Albanian emigrants through the right to return to their host country on the basis of the European status of long term resident, the preservation of social rights for pensioners in their host country in case of return to Albania and visa facilitations for bona fide migrants after a certain period of stay abroad;
96. Explore further possibilities to conclude agreements with other countries on the basis of the reciprocal best interest and labour complementarity on the experience of the negotiations with Greece and Italy.
97. Involve the ILO in the drafting of the agreements in order to benefit from advice and to ensure compliance with international standards.

#### **B.2.1.4 Albanian Students in the EU Member States**

##### **I. *Analysis of the current situation***

The factors influencing the decision of young Albanians to seek education abroad are many in particular the quality of the education provided. The Albanian educational establishments suffer from a lack of resources, both material and human and the teaching methodology applied is often outdated. Albanian students also seek to study abroad due to the unavailability of places in Albania. The demand to enter universities is higher than the supply of places; therefore, many youngsters are obliged to apply for foreign universities.

Sometimes there are fields of study for which there is no study program in Albania; hence those who want to specialize in these fields in particular on specific qualifications at post graduate level have to go abroad. Currently approximately 5.000 Albanians are studying in Italian universities; other information concerning other students remains fragmented.

##### **II. *Presentation of the current policy***

Because Albania is still at an early stage of the current process of EU approximation, it does not benefit from many of the education programmes that are available for members and candidate states, such as Leonardo da Vinci and Socrates (the later includes the famous

Erasmus action). However, Albania is a partner country in the Tempus programme the objective of which is amongst other to favour the mobility of students.

Another EU program for which Albania is eligible is Erasmus Mundus approved by the EU in December 2003. It is a co-operation and mobility program in the field of higher education aiming at the promotion of the European Union as a centre of excellence in learning around the world. It provides EU-funded scholarships for third country nationals participating in these Masters Courses.

Albania also benefits from programmes sponsored by particular European countries. Italy is a generous sponsor of bilateral educational agreements and the main host country for Albanian students. Scholarships for Albanian students are also made available by Greece, the United Kingdom, Germany and the Netherlands. Most scholarships are administered by the embassies of those countries with the exception of Poland and Czech Republic where scholarships administered by the Albanian ministry of Education and Science.

### **III. *Evaluation and prospect of the current policy***

The knowledge about Albanian students in universities abroad is for the moment very limited. The Soros foundation has created a database on post graduate students in Albania,

The British council has also supported the creation of a web site of current and past Albanian bursars under the British FCO scholarship programme.

Any policy for steering student migration in such a way to maximize the benefit for the individual and the country must be based on accurate data. It is therefore necessary to gather the available information by collecting the existing studies or data on the subject and develop a comprehensive list of Albanian nationals currently undertaking under and post graduated programmes abroad in close liaison with the destination countries. Albanian Government of Education should commission an in depth study to facilitate the definition of a policy for student migration for the benefit of Albania.

The availability of high skilled personal linked with the promotion of employment in the internal labour market is a key factor for the development of a country. It is crucial that scholarships offering financial support for Albanian youngsters to study in universities abroad are used for the benefit of Albania and based on strict criteria based on merit. Scholarships should therefore be prioritised for graduate students who have already proved their ability to succeed at university level to allow them to start master studies, or to students having obtained good marks at secondary level. Granting this kind of scholarships should happen under the condition of the students return (see chapter on diminishing brain drain).

### **IV. *Proposals for measures of implementation***

98. Commission an in depth inquiry on flows of Albanian students abroad at university level to build a policy about student migration for the development of Albania.
99. On the basis of the results of that inquiry, define a policy to keep the scholarships for studies and students for the development of Albania and try to convince donors to implement it.
100. Encourage Albanian universities to make use of the possibility offered by article 21 of the 2003 EU directive "on the conditions of admission of third country nationals for the purpose of studies, pupil exchange, unremunerated training or voluntary service" providing a legal basis for the conclusion of agreements between an institution of higher education of a third country and the authority of an EU member state responsible for the entry and residence of students, in order to facilitate and accelerate the procedures of admission of Albanian students on the territory of EU member States.
101. Take the necessary measures to promote and implement for Albania European programmes like Tempus and Erasmus Mundus.

## **B.2.1.5. Visa policy**

### **I. Analysis of the current situation**

#### *Short-stay visas to enter the EU*<sup>27</sup>

Currently Albania is mentioned on the EU so called "black list"<sup>28</sup>, which implies that its citizens need a visa to enter on the territory of the EU Member States. Albanian citizens generally state that they face difficulties in obtaining visas from Member States including long queues, a lack of information concerning the documents needed for the application, long procedures and unclear grounds for refusal.

#### *Visa agreements*

During recent years the Government of Albania has established diverse bilateral agreements concerning visas. Some of these (mainly with non-EU states) contain measures to ease the delivery procedures, e.g. by accelerated procedures or the granting of multiple entry visas for defined people such as businessmen or in some limited cases the lifting of the requirement for certain categories of travellers such as diplomatic passports holders and business people.

#### *Local cross border movement*

The Albanian government concluded in 1997 an agreement with the Macedonian government on the Short range Circulation of People Living in the Border Areas. This agreement gives inhabitants of defined villages at the border the right to cross the border twice a month. The stay in the other country should not exceed forty-eight hours. Further Albanian citizens do not need to apply at the embassy and can obtain a visa at the border between both countries.

### **II. Presentation of the current policy**

At the end of 2002, a Working Group for the Facilitation of Free Movement of Albanian Citizens was established which drafted a plan in which it defined the tasks that the Albanian institutions should undertake in order to gradually require from EU Member States the easing or the removal of the existing visa

regime for Albanian citizens<sup>29</sup>. Since 2002 the government has intensified its efforts to negotiate and conclude bilateral agreements with different states on visa facilitation or cancellation.

#### *Balkan Schengen*

The Albanian Government is in favour to move towards the establishment of a so-called "Balkan Schengen area". This concept inspired to the model of the Schengen Agreement should prelude to a free movement within the region through a gradual harmonisation of visa requirements. The Prime Minister has launched that idea in the context of the Stabilisation and Association process. The Ministry of Foreign Affairs has made efforts to lobby for the idea in the western Balkans. Some positive reactions from within the region have been heard<sup>30</sup>.

### **III. Evaluation and prospect of the current policy**

Attention needs to be paid to the meaning of the right of Free Movement. In its original sense, that notion means the right for EU citizens to establish themselves in another MS without any time limit if basic conditions are fulfilled (health insurance and sufficient means for living). This is possible between all EU member states, with a fundamental exception for the ten new member states after the last enlargement, which will in principle not enjoy free movement for the purpose of work during a transitional period of up to a maximum of seven years. In a more narrow and recent sense it refers to free travel without internal border controls for a maximum of three months in the Schengen area (the EU Member States minus UK and Ireland, but plus Norway and Iceland, and Switzerland in the future).

There are indications that the EU countries remain reluctant to remove Albania from the EU "black list", at least in the short or medium term. Moreover, even if this happened, it would not lead to the right for Albanians to reside in the EU Member States for more than three months, nor to the right to work abroad even for less than three months. The government

<sup>27</sup> Visa for a stay longer than three months will not be subject to this part of the strategy. The Schengen convention does not regard these kind of visas identified by the letter "D" which are subject to the national legislation of the Member State.

<sup>28</sup> Council Regulation (EC) No 539/2001, dated 15 March 2001

<sup>29</sup> Plan of Measures for the Improvement of the Free Movement of Citizens, Tirana 08.07.2003.

<sup>30</sup> See the reaction of the Assistant Foreign Minister for Regional cooperation in Serbia-Montenegro, Ljubisa Perovic of 29 July 2004.



will realistically in the short and medium term focus on the facilitation of the visa regime and in a long-term period on the withdrawal of Albania from the “black list” which remains a fundamental objective in the long term. The commitment that Albania has shown by concluding the readmission agreement with the EU and in the combat of irregular migration is a strong argument to ask for visa facilitations in return.

The possibility to conclude an agreement for visa facilitations with Albania would be evaluated by the EU in consideration of the international context and its relations with other third countries. Bilateral agreements between Albania and one or more EU Member State could therefore be considered easier to conclude, even if the legal constraints deriving from the “Schengen acquis” put limits on the margin of negotiation of the EU Member States.

Albania intends to request the opening of negotiations with the EU and its Member States on the following measures:

- Clear information about the conditions and required documentation to avoid that applicants have to return to the embassies to complete their application.
- Identification of *bona fide* persons for whom it is possible to obtain multiple entry visas valid for a long period.
- Setting of a deadline in which decisions (positive or negative) are transmitted;
- Improvement of logistics in the embassies where a considerable number of Albanian citizens apply (for instance extra staff in the weeks during

which many applications are expected in order to reduce the queues).

- Facilitation for the issuance of successive visas.
- Decisions of refusal should contain clear motives for rejection.
- Applicants should have the possibility to appeal and the decision should formally point to that possibility.

The government will also streamline Albanian administrative procedures for the delivery of documents necessary to travel abroad.

#### *Balkan Schengen*

In the light of the governments aim to facilitate the movement of people, in the so-called “Balkan Schengen Area” this process fits in the regional approach of the European Union for the Stabilisation and Association Process. The idea should first be elaborated in a concrete plan by Albania and then submitted to the countries of the region for discussion, for instance through the Regional Forum of MARRI (Migration, Asylum, Refugees Regional Initiative) presided by Albania till 31 March 2005. The plan will also be shared with the European Union. It could be considered for funding support under the CARDS Regional Programme.

#### *Local cross border movement*

Efforts undertaken on the conclusion of bilateral agreements should be continued. Attention should be paid to the project for a new EU regulation for local border traffic<sup>31</sup>, which will facilitate mobility between Greece and Albania in the border area.

#### **IV. Proposals for measures of implementation**

102. Provide a clarification in the governmental communication with the citizens concerning the concept of “free movement of persons” following its two possible meanings in European law;
103. Engage in negotiations with the EU and its Member States to request visa facilitation in the short and medium term, taking into account the view of a waiver in the long term;
104. Elaborate and promote the idea of a “Balkan Schengen Area” with regional SAP states
105. Engage further efforts to ease the local border traffic having in mind the future EU regulation for local border traffic.
106. Facilitate the visa application by improving the national administrative procedures that citizens must follow to obtain the required documentation;

<sup>31</sup> 2003/0193 (CNS) and 2003/0194 (CNS)

## **B.2.2. From brain drain to brain circulation**

### **I. Analysis of the current situation**

Figures show a major loss of high skilled citizens. In the 1990s 40% of lecturers and researchers left the country, and a high rate of skilled migration continues. From the number of students abroad is estimated that only 5% will return<sup>32</sup>. Many young people, still working in Albania, wish to leave the country for a long time, if not forever.<sup>33</sup>

Brain drain in Albania therefore appears to be significant and has a broader scope than academics, but data on the loss of other high skilled people are however not available. Apart from the large amount of students in Italy and Greece, the "brain" flows to countries like Canada, USA and Germany.

### **II. Presentation of the current policy**

Few concrete measures have been taken in answer to the phenomenon of brain drain. One is the measure to favour the return of youngsters who studied abroad. Based on the Prime Ministers order, no. 37, dated 28 January 2004, these students are given preferences for jobs within the ministries.

The State has also committed itself to encourage the voluntary return of emigrants, including the highly skilled and educated ones in article 13 of the law on the emigration of Albanian citizens for employment purposes. Yet a concrete policy has not been developed on that legal basis.

### **III. Evaluation and prospect of the current policy**

Although positive sides of the brain drain (in the longer-term can be found) it is clearly recognised that the loss of highly skilled and educated people can be detrimental for Albanias social and economic development, as the highly skilled are the driving force of any country.

Apart from the remittances Albania may benefit from during the absence, the positive effects of highly skilled labour emigration will occur if/when people return. The return of these

people after they have gained further knowledge and experience abroad has important implications for the human capital of the country. They will bring financial and social capital in the form of savings and useful professional and personal contacts and new models of conduct acquired abroad.

The foregoing has led to a change in the discussion on the brain drain; to turn the loss into positive effects the policy focus should focus on "brain circulation". In order to facilitate the process from brain drain into brain circulation, the government should undertake measures that will avoid the (permanent) departure of highly skilled and educated people and promote temporary migration instead in particular circular migration. Further measures should be created to attract their return.

#### *Measures to avoid brain drain*

An overall assessment on the needs of the country, in the light of development, e.g. labour market and/or educational needs, is needed in order to answer the question as to which group of emigrants should be targeted in the policy that has to be set. The government should focus on (highly) skilled people whose contribution to the development of the country is useful.

One target group includes university professors, scientists and researchers. Measures should be taken that affect the reasons for migration of this particular group of emigrants. The qualitative level of these institutes needs to be improved, which requires appropriate investment by the government.

To avoid the loss of highly skilled personnel that could work in Albania or otherwise contribute to the countrys development, more general measures should be undertaken, such as the improvement of the investment climate in Albania in order to offer career opportunities in enterprises.

Albania should finally endeavour to agree with the main countries of destination such as Canada and the United States, on measures, which avoid or mitigate the negative effects of emigration of defined categories of highly skilled persons needed in Albania aiming inter alia at promoting their voluntary return,

<sup>32</sup> Horvat, Vedran: Brain Drain. Threat to successful transition in South East Europe?, Southeast European Politics, June 2004

<sup>33</sup> Figures based on UNDP's Albanian Human Development Report, 2000

especially of those in professions that are highly needed for development of Albania.

Promote the mobility of highly skilled emigrants  
A tool in the process from brain drain into brain circulation is promoting the mobility of the highly skilled. Programmes should be developed to achieve that goal, for instance:

- Establishment of circulation programmes with private enterprises or local or regional authorities abroad and in the country (on the job training abroad during a set period with the commitment to return accompanied by the offer of employment possibilities in Albania afterwards)
- Young talented people could be attracted to a national scientific career by providing them with grants for further studies abroad or with the possibility to participate on exchange programmes with third countries, with the engagement to return, as an investment to bolster the level of new academics. To ensure return, sending institutions should maintain close relations with the emigrants abroad and offer them employment opportunities upon their return. Special care should be taken in the appropriate selection of candidates for study exchanges, which should be based on criteria of merit and motivation.
- Highly skilled emigrants should be targeted to volunteer to come back in Albania during very short stays for the purpose of consultancy, teaching (for instance during summer schools) or training, within the framework of programmes that provide support to transfer of knowledge through expatriated nationals (such as the IOM TOKTEN and RQN programmes). Lists of available persons and related intellectual resources abroad should be elaborated. Travel and accommodation and certain support costs should be covered in order to encourage those persons to participate.
- The same objective as described in the previous proposal can be achieved in a different way through virtual mobility based on the use of new technologies. The creation of long distance teaching or training programmes should be

encouraged. The Government should draw on the talent living abroad to elicit their contributions through new technologies both to the national intellectual debate and to the development of possible investment opportunities.

- Highly skilled emigrants should be facilitated to return to Albania by their host country for a determined period and purpose without losing their right of residence abroad. Bilateral agreements should therefore be concluded with the countries of destination.

#### *Encourage return of high skilled emigrants*

One way to involve emigrants abroad in the development of the country is to encourage them to return. Any exercise aimed to attract professionals should be based on effective demand of the local job market and should be based on a careful survey of employment opportunities. Incentives should be developed to attract the return of highly skilled people. This supposes that those people can expect career opportunities in Albania and therefore the offer of interesting and adequately paid jobs. Measures to implement such a policy go behind the scope of this strategy, but the link with the present strategy and the employment and economic policy must be underlined.

A programme could be developed to attract highly qualified emigrants abroad, linking their return to investments by foreign partners. A gradual replacement of expatriate personnel with nationals with commensurate qualification and skills could be discussed and negotiated against special facilitations with private investor.

For emigrants these kinds of employment possibilities may be decisive for their return. Information should be spread concerning possibilities to return. Contacts with emigrants in the main host countries should therefore be developed and maintained as proposed in the part of this strategy devoted to the building and consolidation of Albanian communities abroad.

The government could also agree with international public organisations to establish a pilot programme for the placement of a number of young graduates in their programmes in Albania.

#### IV. *Proposals for measures of implementation*

107. Assess the offer and demand for highly skilled personnel on the Albanian labour market to determine the needs and design on that basis a policy for brain drain
108. Take measures to avoid brain drain by increasing the offer of job opportunities for high skilled people in Albania and through negotiations with the countries recruiting Albanian emigrants in order to avoid the loss of defined categories of professionals needed in Albania.
109. Promote the mobility of Albanian highly skilled emigrants through programmes promoting circular migration between private enterprises or local and regional authorities in Albania and abroad, exchange programmes for academics, programmes for volunteers and programmes of temporary return of emigrants in Albania on the basis of bilateral agreements guaranteeing the right to return in the host country.
110. Put into place in cooperation with international specialized institutions specific programmes to attract and assist the return of highly qualified students and provide the necessary incentives to retain their expertise once back.
111. Encourage the definitive return of highly skilled emigrants in Albania by putting in contact Albanian highly skilled emigrants with foreign enterprises and investors.
112. Encourage virtual return by eliciting the contributions of highly qualified nationals to Albanian civil and social life through the extensive use of new technologies.

### C. THE ELABORATION OF AN APPROPRIATE LEGAL FRAMEWORK FOR EMIGRATION AND IMMIGRATION.

#### I. *Analysis of the current situation*

Albania has drafted an extensive legislative framework to regulate migration issues, which has been mainly adopted recently.

##### *Emigration*

The main legal act regulating emigration is the "Law on Emigration for Employment purposes"<sup>34</sup>. The subjects of this act are Albanians that emigrate for employment purposes in accordance with Albanian and host country legislation. This Law provides the framework for the rights of the emigrants and obligations of the state towards its citizens abroad. The Ministry of Labor and Social Affairs is the national competent authority for emigration issues in Albania. The Law recognizes private employment agencies as mediators for employment abroad. The activity of these agencies is further regulated by the

Decision of Council of Ministers "On the way of licensing and functioning of private employment"<sup>35</sup>. While, the Law on the Encouragement of Employment<sup>36</sup> regulates inter alia issues of employment of Albanian citizens outside the territory of Albania.

Other services and rights that are enjoyed by Albanian emigrants or potential emigrants are envisaged in several other legal acts such as Law on the Exercise of Consular Functions<sup>37</sup>, Law on Civil Status<sup>38</sup> and Law on Provision of Passports for Travelling Abroad to Albanian Citizens<sup>39</sup>.

##### *Immigration*

The basis of the legal framework for immigration are laid down in the Law "On Foreigners"<sup>40</sup> which points out the conditions for entry, stay, cases of expulsion, the rights and obligations of foreigners as well as the competent authorities dealing with immigration issues. The entry, stay and treatment of foreigners in Albania, in particular the visa and residence permit issues, are provided in more details by the Decision of Council of Ministers<sup>41</sup> No. 439/2000 and in the Joint

<sup>34</sup> Law No. 9034, date 20.03.2003

<sup>35</sup> DCM No. 708 date 16.10.2003.

<sup>36</sup> Law No. 7995 of 1995

<sup>37</sup> Law no.8372 date 9.07.1998

<sup>38</sup> Law no.8950 date 10.10.2002

<sup>39</sup> Law No 8668 of 23.11.2000

<sup>40</sup> Law No. 8492/1999

<sup>41</sup> DCM 439/2000 "On the conditions for entry, stay and treatment of foreigners in Albania" as amended.

Instruction of Minister of MoPO and MoFA<sup>42</sup>. The matters related to work permit for foreigners, in addition to LoF, are specified in the Decision of Council of Ministers No. 262 date 25.05.2000 "On the issuing of the work permit to foreigners" and in the Instruction No.786/2001 "On the issuing of the work permit to foreign citizens".

Albania has adopted a Law "On Border Guard of the State Border of the Republic of Albania"<sup>43</sup> which specifies the procedures to be followed while crossing the borders, the rules and obligations of the Border Police in the border crossing points and while border patrolling, the procedures to be followed with illegal emigrants and immigrants. In addition, the Instruction "On the procedures to be followed by state police for the pre-screening of the detained foreigners"<sup>44</sup> provides in more detail the competent authorities, the procedures to be followed and the rights of the foreigners that have illegally entered in Albania.

Albania together with the four SEE countries has adopted the Tirana Declaration in December 2002 undertaking to give Temporary Residence Permit to third country nationals identified as possible victim of trafficking, this determination is still to be transposed into a legal act.

## **II. Presentation of the current policy**

The Albanian Government has explicitly expressed its commitment to constantly improve its legislation on migration towards approximation with EU and International Standards<sup>45</sup> in order to guarantee the respect of the rights of Albanian emigrants abroad as well as the creation of proper conditions for foreigners to enjoy their rights in Albania.

### *Emigration*

The Government has already planned amendments to the law on Emigration<sup>46</sup> in order

to meet international standards. These amendments are to be adopted by December 2005 Pursuant to the provisions of Law on Emigration, a legal act for the promotion of voluntary return of emigrants and their reintegration in Albania is envisaged.<sup>47</sup>

### *Immigration*

In 2004, a Gap Analysis report on Albanian Immigration Legislation and Practice as compared to EU and International Standards was elaborated by IOM in close collaboration with the Government. The study was undertaken to identify the legal and institutional framework in Albania concerning immigration and to ascertain to what extent it meets the requirement of the European standards. Based on the comments reiterated by the gap analysis and by other actors, amendments to the Law on Foreigners have been adopted by Council of Ministers and are awaiting approval by Parliament by the end of 2004. Albania considers the amendment of the relevant secondary legislation such as DCM 439/2000 and the MoFA and MoPO Joint Instructions for February 2004 as a further priority.<sup>48</sup>

A proposal for a new law on Border Police is under consideration. Under the new proposal, the Border Police will cover immigration issues that are currently covered by the Section for Foreigners at the Office for Passports and Foreigners under the State Police and will have investigative, intelligence and judicial attributes.

In the field of international instruments, the GoA has pointed out the need for ratification of several conventions such as ILO Convention on Migration for Employment Purposes (C.97)<sup>49</sup>; ILO Convention of Migrant Workers (C 143)<sup>50</sup>; CoE Convention on the Legal Status of Emigrant Workers<sup>51</sup> and UN Convention on the Protection of the Migrant Workers Rights and their Families<sup>52, 53</sup>

## **III. Evaluation and prospect of the**

<sup>42</sup> Joint Instruction of MoFA no.2430 date 14.05.2001 and of MoPO no.1460 date 21.05.2001" On the procedures for entry, stay and treatment of the foreign citizens in the RoA".

<sup>43</sup> Law no. 8772 date 19.04.2001

<sup>44</sup> Instruction No.1382/2001.

<sup>45</sup> See Action Plan on Free Movement.

<sup>46</sup> It was adopted on 20.03.2003.

<sup>47</sup> See Document of European Partnership Matrix.

<sup>48</sup> See Document of European Partnership.

<sup>49</sup> Envisaged for adoption for March 2005 in the European Partnership Document.

<sup>50</sup> Envisaged for approval for October 2005.

<sup>51</sup> Envisaged for approval for April 2006.

<sup>52</sup> Envisaged for approval for December 2006.

<sup>53</sup> In the framework of these conventions, GoA is planning adoption of a Law on the Assistance and Social Help (December 2004); approval of the changes on the Law on Promotion of Employment (April2005) and amendments on the Law for Social Insurance in Albania (2005).

### *current policy*

Regarding the situation of Albania and the fact that the massive phenomenon of emigration is much more important than the very limited immigration happening in the country for the moment, the management of emigration must be clearly recognised as a priority taking over immigration. Therefore, priority to the completion of the legal framework of emigration should be given by the relevant administration over the legal framework in immigration. This prioritisation deriving from the situation of Albania and in conformity with the interest of the country should not be affected by the fact that there is no European *acquis* on emigration. This does not of course mean that no attention should be paid to the legal framework in immigration, but the implementation of the European *acquis* in that field can be planned in the long term due to its very recent nature and in particular that deadlines for transposition by Member States have even not expired for a lot of directives.

#### *Emigration*

The focus of Law is limited only to emigrants for employment purposes, thus leaving out other categories of emigrants leaving for family reunification, studies, professional training, etc. Secondary legislation is needed to specify the procedures to be followed and the measures of Albanian Government to support emigrants regarding their integration in host countries<sup>54</sup>. Further elaboration is in particular needed on how emigrants will enjoy rights such as political freedoms envisaged by the constitution. Possibilities should be created for Albanians to vote in the Diplomatic and Consular Offices in the countries where they reside, upon their preliminary registration. Thus, appropriate amendments should be made in the Electoral Code.

MoLSA should also cooperate with other ministries in order to start working on the respective amendments of other legal acts referred by the Law on Emigration, such as

Criminal Code<sup>55</sup> and Law on Consular Functions<sup>56</sup>. As stipulated, a Law on the fees for the services offered by consular services should be quickly adopted in order to establish clear and transparent fees for all the services offered, thus to avoid excess of discretion and risks of corruption of the responsible officials. For more than a year after the approval of the law in March 2003, very little progress has been done in respect of the legal framework required for its implementation.

#### *Immigration*

The amendments to the Law on Foreigners have still to take on board all the comments and gaps highlighted in the Gap Report so as to include among other things the definition of unaccompanied minors, marriages of conveniences, acceptable travel documents and family reunification which are not clearly stated or not mentioned at all in the proposed amendments. Inconsistencies within internal legislation, especially between the primary and secondary legal acts continue to exist and should be addressed<sup>57</sup>. The lack of clarity and in particular lack of reference in the other legal acts or to the relevant authority often creates confusion on the procedural issues regarding refusal of visas, work permit, residence permit and expulsion.

Relevant institutions are currently working on the respective amendments of the DCM 439/2000 and the MoPO/MoFA Joint Instruction, which are envisaged for approval by February 2005.<sup>58</sup> Adoption of the amendments of the Law on Foreigners must be followed by adoption of secondary legislation.<sup>59</sup>

The new amendments of the Law on Foreigners affect a considerable part of the law, and moreover have introduced new principles. Secondary legislation regulating immigration has been changed frequently and has created difficulties especially for officials in charge of the implementation of the legislation. In order to ensure consistency of the legal framework, a new Law and new bylaws could be drafted

<sup>54</sup> See Arts 6, 7 of Law on Emigration.

<sup>55</sup> See Art. 9 of Law on Emigration. By the time this strategy was being elaborated, relevant amendments to the criminal code on false information in the emigration issues have not been yet adopted.

<sup>56</sup> Law on Emigration refers to services offered by Consular Offices, which require additional amendments of the Law on exercise of Consular Services.

<sup>57</sup> For example regarding the age in which a person can be considered a minor. For more details see Gap Report p.86.

<sup>58</sup> See document of European Partnership.

<sup>59</sup> This is especially important when secondary legislation provides the detailed description of the duties and procedures to be followed by Albanian officials.

rather than continuing with the process of amendments in accordance to the guidelines contained in the 2003 "Law Drafting Manual Incorporating a Guide to the Legislative Process in Albania".<sup>60</sup>

#### *International Instruments*

Albania has envisaged ratification of several conventions for the protection of migrants<sup>61</sup>

within the year 2006. Ratification of international standards should be followed by implementation and monitoring. MOLSA should make a study to ascertain to what extent Albanian legislative and Institutional Framework is compatible with the proposed standards, upon which relevant reform of legislation should take place.<sup>62</sup>

#### **IV. Proposals for measures of implementation**

113. Amend the Law on Consular Services to include the services offered to emigrants as stipulated by Law on Emigration of Albanian Citizens for Employment Purposes; amend Criminal Code in accordance with the Law on Emigration of Albanian Citizens in order to envisage as Criminal Offence the distribution of false information for Emigration; include in the Electoral Code a provision for the right of emigrants to vote in the Consular and Diplomatic Representatives abroad; and adopt all the by laws necessary in order to implement the Law on Emigration of Albanian Citizens for Employment Purposes.
114. Incorporate in the legislative framework on immigration the recommendations of the gap analysis report, in particular the provisions regarding the definition of term "marriages for convenience", definition of the term "accepted travel documents", "uninterrupted period", definition of "unaccompanied minors", as well as inclusion of the requirement for work permit for periods of employment of less than 3 months. Provisions to differentiate the rights of long term immigrants as opposed to the short term immigrants must be included.
115. Plan the drafting of a new Decision instead of DCM 439/2000 and a new Joint Instruction on Entrance, Stay and treatment of Foreigners in Albania.
116. Task MoLSA to undertake a study on the implications of the three international conventions related to migrant workers planned to be ratified by Albania during the years 2005 and 2006 in order to complete the part of the Gap analysis report on the UN convention on the protection of the rights of all migrant workers and members of their families.
117. Publish a comprehensive legal textbook containing all the rules on emigration and immigration, including administrative instructions and international conventions ratified by Albania.
118. Elaborate practical handbooks on different precise issues related to migration and put them at the disposal of the officials in charge of the application of the rules to individual cases.
119. Create a team specialized in migration law inside MoPO and inside MoLSA in order to undertake all the reforms necessary in Albanian Migration Legislation and coordinate their work as necessary.
120. Determine the needs in terms of legal training for the personal of all the institutions in charge of migration policy.

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<sup>60</sup> See Chapter 1.3.4 of the 2003 "Law Drafting Manual incorporating a Guide to the Legislative Process in Albania".

<sup>61</sup> See above, Current Policy.

<sup>62</sup> This is especially the case for matters of social insurance, health insurance, education, employment, accommodation, social assistance etc.

## **D INSTITUTIONAL FRAMEWORK AND MEANS FOR MIGRATION POLICY, IN PARTICULAR THE IMPLEMENTATION OF THE NATIONAL STRATEGY FOR MIGRATION .**

### **I. *Analysis of the current situation***

#### *Emigration*

The governmental competent authority for emigration is the Ministry of Labour and Social Affairs (MoLSA). Competencies are exercised by the Emigration Section of the Directorate for Migration on the basis of the law on Emigration of Albanian Citizens for Employment Purposes of 20 March 2003.

Based on The Law the Employment Encouragement<sup>63</sup>, the National Employment Service (N.E.S.), can, through its regional and local offices, mediate for work abroad, based on existing labour agreements with other countries. N.E.S. is a public autonomous service with the ranking of a central state administrate, that is accountable to MoLSA<sup>64</sup>.

There exists also an Institute for Albanian Diaspora, which depends from the Ministry for Foreign Affairs. The National Institute of Albanian Diaspora is part of the Ministry of Foreign Affairs (MoFA). Its tasks are: to collect complete and thorough information on Albanian Diaspora that is necessary for the preparation of the geographical and demographic atlas; to promote contacts of every possible level between Diaspora and Albania; to promote and guarantee of Albanian citizens who life and work abroad; identify university and advanced university students currently studying abroad.

#### *Immigration*

Contrary to emigration, the competencies are more divided regarding immigration as three ministries intervene in this field.

The Ministry of Public Order (MoPO) is the leading ministry. It handles issues with foreigners beginning with entry until expulsion. The Foreigners Section in the Sector for Passports and Foreigners is responsible for the issuance, renewal and revocation of residence

permits. It also prepares and submits the proposals for acquisition and relinquishment of citizenship to the President of the Republic. The Border police is in charge of the control of the borders, in particular regarding the checking of the legal entry of persons in Albania. In addition, Public Order Police and Criminal Police control and investigate cases of illegal immigration. The Office for Refugees responsible for handling asylum request is also in the MoPO.

The Ministry of Foreign Affairs (MoFA), which is responsible through the diplomatic, services for the issuance of short-term visas to foreign citizens. The MoPO plays however a certain role in that procedure by scrutinising the visa applicants for security reasons.

Thirdly, the Ministry for Labour and Social Affairs (MoLSA) elaborates the employment policy for foreigners through the Immigration section of the Directorate for Migration. It has also competences to supply work permits.<sup>65</sup> The State Labour Inspectorate inspects the immigrants work and is also in charge of discrimination issues.

The National Employment Service has also important competencies in the field of migration. Its territorial Employment Offices issue the work permits. The National Employment Service comprises also a Sector for Migration and Labour Relations; its main role is to support the work of the regional employment offices and to cooperate with the Directorate for Migration of MoLSA.

### **II. *Presentation of the current policy***

There is an on-going reform in MoPO. A proposal for a new law on Border Police is under consideration. Currently, Office for Passports and Foreigners formerly under the General Directorate of Public Order Police has been allocated to the Directorate of Border Police under the title Office for Treatment of Foreigners and Migration. The mission is to upgrade the Border Police to the level of a central law enforcement agency likewise the Public Order Police Department. It would have a separate budget like other central law enforcement agencies within the MoPO. Under

<sup>63</sup> Law no. 7995, date 20.09.1995, article 7

<sup>64</sup> Article 17

<sup>65</sup> In addition to the competences of the Employment Offices



the new proposed law, the Border Police would be responsible for immigration issues.

### III. *Evaluation and prospect of the current policy*

The division of competencies between the ministries involved in the migration policy seems to be clear in a general way. The fact that three ministers like MoPO, MoFA and MoLSA are involved is very common throughout the countries of the world. It remains to be checked if the collaboration between the ministers to fulfil their tasks is sufficient. This concerns MoPO and MoFA regarding the issuance of short-term visas as well as MoPO for the issuance of residence permits and the competent services depending from MoLSA for the issuance of work permits (the classical question being the links between those two kind of permits).

The idea to create a Ministry of Emigration has been launched by the President of the Republic during a meeting with Albanian diplomatic corps in the Ministry of Foreign Affairs on 27 August 2003, as well as put for discussion by the Prime Minister during the annual meeting with Albanian diplomats abroad in 31 August 2004 in the Ministry of Foreign Affairs. It is clear that the policy regarding emigration has to be upgraded due to the importance of emigration in the society. The need to protect the rights of emigrants and in particular the opportunity that the possibility of mobilising Albanian communities abroad offers for better development of Albania as proposed in this strategy, justify amply that more attention is given to that question as well as on the political level than on the administrative level. Another justification could be found in aim to manage migration in general: the conclusion of a new generation bilateral labour agreements and efforts to control the negative effects of migration, such the "brain drain". However, the creation of a full ministry involves very high costs and represents too long and difficult administrative efforts before the new structure could be operational.

For those reasons, it seems interesting to envisage other ways to reach the goal consisting of giving more attention to the management of Albanian communities abroad and migration in general. This could be done through the creation of a Minister for migration without a ministry. That person would rely upon the existing structures for administrative assistance. Due to the link between the questions of emigration and immigration as for instance the fight against illegal immigration

demonstrates it, that person should in fact be competent for both field and be called "Minister for Migration".

One could also imagine another way consisting of giving to the Minister in charge of coordination at the Prime Ministers Office competence in the field of migration. If this solution is obviously easier to implement as it fit within the existing governmental structure, it does not reflect enough the high position that migration concerns represent in general in the political agenda and put less the emphasis on the management of emigration.

The fact that the Institute of Diaspora depends on the MoFA whereas MoLSA has a general competence regarding the policy of emigration raises a question. Close cooperation must be at least be organised between those services involved in the same policy. In general, the means available in terms of human resources and budget for those services must be reinforced to ensure that the management of Albanian communities abroad will become effective. It must be checked if all the administrative structures in charge of migration policy are sufficient and have the necessary means to perform their tasks. This should be done through an internal audit regarding the number of civil servants available, their competencies on the basis of their degrees and work experience as well as the budget at their disposal. A clear distinction must be made between services in charge of policy making and services in charge of the practical implementation of the rules to individual cases.

The policy on emigration will require a very important effort from the administration in order to implement effectively such a new policy. This will not only have to be done through the adoption of new legal rules. It will also be necessary to take a lot of contact contacts abroad, in particular regarding the policy the Albanian communities abroad. Due to the novelty of the policy, the importance of the administrative work to be done, it seems appropriate to envisage the creation of a special task force to launch the policy. The necessity to create inside the MoFA a special department for emigration should be evaluated. TheThe Regarding the fact that an Institute for Diaspora already exists in the MoFA and the diplomatic effort required, the latest ministry seems to be the best choice, but coordination with the services in charge of emigration inside MoLSA will have to be established.

The implementation of some of the proposals in this Strategy requires the establishment of Emigration Counters. These counters should be involved in the registration of emigrants, and the information supply. The counters should preferably function through existing administrative structures. Under the responsibility of the Emigration Sector of MoLSA, and directed by the earlier mentioned Task Force, Emigration Counters should function within the regional and local employment offices. Seen the fact employment is the main reason for emigration, the position at the N.E.S. seems to be most appropriate. The government could however consider other existing structures, such as the municipalities that could provide emigration counters.

Finally, a public policy on migration needs of course to be based on accurate information. Only few researches has been undertaken in Albania,

but there are several foreign academics working on the case of Albanian emigration, like for instance the group lead by Professor Russel King from Sussex University in the United Kingdom. More research is welcome and should be encouraged, in particular through the creation of research capacities in Albanian Universities. An efficient way to boost immediately research consists of establishing a network of all the foreign and Albanian researchers working on migration. A first step in that direction can easily be done through the creation of a simple database of all the electronic addresses of the concerned persons. Efforts should also include teaching with the creation of some advanced courses focused on migration or even a special programme entirely devoted to migration, among others to offer possibilities for training of practitioners and to provide the competent governmental administrations the specialised staff they will need more and more.

#### *IV. Proposals for measures of*

#### **implementation**

121. Evaluate if the coordination between MoFA and MoPO is sufficient for an efficient procedure of delivery of the short -term visas;
122. Evaluate if the coordination between Mopo in charge of residence permits and the competent services depending from MoLSA in charge of work permits is sufficient to avoid problems with the fact that two kind of authorization exist for residing for work purpose in Albania;
123. Create at political level the post of Minister for migration and put at his/her disposal the administrations in charge of that question;
124. Evaluate the necessity to create inside MoFA a special department for emigration
125. Organise the necessary collaboration between the Institute for Albanian Diaspora depending from the MoFA and the services of MoLSA in charge of emigration;
126. Organise an internal audit of all the services in charge of the migration policy in order to determine if they have the necessary means to manage the migration policy, in particular for what concerns the field of emigration which must be recognized as a priority.
127. Create a Task Force to launch the new policy on emigration;
128. Create the capacity to implement the proposals of this Strategy concerning registration of emigrations and information supply, by establishment of Emigration Counters
129. Follow all the necessary procedures to inscribe at the 2005 budget the amount of money necessary to launch the National Strategy for Migration and plan till 2010 the necessary financial means, which will be necessary for its implementation.
130. Encourage the creation of advanced courses or of a special study programme focused on migration in the Albanian universities
131. Encourage the creation of research capacities on migration in the Albanian universities
132. Support the establishment of an electronic network between the Albanian and foreign researchers specialised in migration, in particular the study of Albanian emigration.



# *National Action Plan on Migration*

Approved by the Council of Ministers  
Decision 296, dated 06.05.2005



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A. Combating illegal migration								
A.1. Addressing the root causes of emigration								
No.	Measure	Activity	Pre-conditions	Responsible Body	Implementing Body	Deadline (duration /finalization)	Human Resources	Total Budget
1	Approximate strategies with the National Migration Strategy.	The evaluation should be undertaken from the Agency on Migration and Diaspora, which will also monitor the National Strategy on Migration, the existing strategies, in order to envisage activities to be included in migration area.		Agency on Migration and Diaspora.	Agency on Diaspora and Migration	2006-2010	Existing Human Resources	Existing Budget.
2	Undertake measures aiming at the reduction of migration flow in rural areas through the creation of facilities for the revitalization of agriculture sector in the country.	<ol style="list-style-type: none"> <li>Completion of an evaluation report on emigration in rural areas, and identification of emergency areas, for the revitalization of the agriculture sector.</li> <li>Inclusion of concrete measures in the Rural Development Strategy, aiming at the promotion of stable employment in agriculture sectors, in the country.</li> </ol>	Approval and implementation of the Rural Development Strategy	MoLSA, MoA.	<ol style="list-style-type: none"> <li>MoLSA, MoA.</li> <li>MoA</li> </ol>	<ol style="list-style-type: none"> <li>2006</li> <li>2007-2010</li> </ol>	<ol style="list-style-type: none"> <li>Three experts to undertake the research.</li> <li>Existing resources.</li> </ol>	<ol style="list-style-type: none"> <li>30 thousand Euro.</li> <li>To be identified after the research is finalized.</li> </ol>
3	Evaluation of the concrete opportunities offered under The Strategy on Employment and Vocational Training, to returnees.	<ol style="list-style-type: none"> <li>Evaluation Report on vocational training opportunities that are actually offered to returnees, covering also existing deficiencies and needs.</li> <li>Include concrete measures in the Strategy of Employment and Vocational Training, for the promotion of stable returnees' employment levels in the country.</li> </ol>		MoLSA	MoLSA	<ol style="list-style-type: none"> <li>2006</li> <li>2007-2010</li> </ol>	<ol style="list-style-type: none"> <li>Three experts.</li> <li>To be identified based on the Study.</li> </ol>	<ol style="list-style-type: none"> <li>30 000 Euro</li> <li>According to the needs identified in the evaluation report.</li> </ol>
4	Undertake measures for the provision with basic living conditions and investment promotion in areas where emigration figures are higher.	<ol style="list-style-type: none"> <li>Launch a research, for the identification of areas of high emigration figures.</li> <li>Identification of emergency measures that should be undertaken for the identified areas, and their inclusion in the Strategy for Socio-Economic Development, as well as in the Strategy for SME Development.</li> </ol>	Finalization of the report.	<ol style="list-style-type: none"> <li>MoLSA</li> <li>MoF, MoE.</li> </ol>	<ol style="list-style-type: none"> <li>MoLSA, Local Government Units</li> <li>INSTAT, MoF, MoE</li> <li>Line Ministries and the LGU responsible for Socio Economic Development Strategy, the SME Strategy and the Regional and Local Development Strategies.</li> </ol>	<ol style="list-style-type: none"> <li>2006</li> <li>2007-2010.</li> </ol>	<ol style="list-style-type: none"> <li>Three (3) experts to undertake study.</li> <li>Existing resources.</li> </ol>	<ol style="list-style-type: none"> <li>30 000 Euro.</li> <li>To be identified after the study has been finalized.</li> </ol>



**A.2. Return**

**A.2.1. Return of Albanian Nationals to Albania by EU Member States**

No.	Measure	Activity	Pre-conditions	Responsible Body	Implementing Body	Deadline (duration /finalization)	Human Resources	Total Budget
5	Implementation of readmission agreements.	1. Clarify, through a by law, the competencies between the structures of MoPO, dealing with irregular migration. 2. Creation, through a by law, of reception facilities for irregular emigrants, in the main border points of the country and especially in Rinas Airport.		MoPO	MoPO	1. 2006 2. End of 2005 and on going.		1. Existing 2. 240 000 8 centers border po
6	Preparation and dissemination in the EU of leaflets on voluntary return (including status, rights of emigrants and reintegration services in the country) through consular services.	Publication and dissemination of leaflets providing information on return procedures, available social services for reintegration, etc (support of the emigrants' associations and local/international organizations can also be utilized).		MoLSA,	MoPO/MoFA MoLSA.	2006 and ongoing.	Existing human resources.	30 000 E
7	Reception at border points in the country, for returned unaccompanied minors (not part of the category of trafficked victims).	Creation of relevant referral mechanisms at entry points, and provision of necessary facilities for the reception	Training of the concerned staff.	MoPO,	MoPO	2005	Existing human resources.	Existing I
8	Broaden the reintegration services, in order to guarantee permanent return.	1. Drafting and implementation of joint employment programmes with small businesses. 2. Provision of career guidance, job placement and vocational training.		MoLSA.	National Employment Service in cooperation with Albanian Chamber of Commerce, Rural development Agencies.	2006 and ongoing	Existing human resources.	To be call taking into the study under me 3.
9	Capacity building for the National Employment Service and its regional and local offices staff.	Specific training programmes related to the assistance that should be provided to returnees.	See measure no. 40.	MoLSA,	NES	2006	Existing human resources.	14.000 E years (15 trained d days first 2 days as second y

### A.2.2. Return of third country nationals to Albania by EU Member States

No.	Measure	Activity	Pre-conditions	Responsible Body	Implementing Body	Deadline (duration /finalization)	Human Resources	Total Budget
10	Implementation of Readmission Agreements, including the readmission agreement between the EC / Albania and other bilateral agreements regarding third-country nationals.	Planning, rehabilitation/construction and functioning of the detention premises for the third country nationals, expecting to be returned through: a. A feasibility Study; b. Rehabilitation/construction of premises.		MoPO	MoPO	a) Mid 2006 b) 2007		b. 1.320.000(330.000 Euro annually for 4 years).

### A.2.3. Return of third country nationals by Albania to third countries

No.	Measure	Activity	Pre-conditions	Responsible Body	Implementing Body	Deadline (duration /finalization)	Human Resources	Total Budget
11	Provide necessary information to returnees concerning voluntary return possibilities offered in their home country.	1. Appoint responsible persons in border police to deliver the information. 2. Design and distribute posters and leaflets with information on voluntary return and its advantages, as well as rights of migrants.		MoPO	MoPO, MoFA.	2006 ongoing	Existing Human resources	To be evaluated on the basis of the expected results of the readmission agreement.
12	Facilitate return procedures in the countries of origin, with regards to the issuance of necessary identity and travel documents.	1. Contact and inform the Embassies in Albania; 2. Contact through the Albanian embassies abroad and relevant ministries in third countries		MoFA	1. MoFA, 2. MoFA, MoPO.	2006	Existing Human resources.	Existing budget.
13	Negotiations and signing of Return and Readmission agreements with third countries.	1. Identification of countries of origin and transit countries with which readmission agreements need to be signed; 2. Preparatory meetings convened for the drafting and signing of readmission agreements, with representatives from countries of origin and transit countries.		MoPO, MoFA, MoEI.	MoPO, MoFA, MoEI.	2005-2010	Existing Human Resources.	Existing budget.

<b>B. Linking emigration of Albanians and development of Albania</b>									
<b>B.1. Benefiting from Albanians abroad</b>									
<b>B.1.1. Supporting Albanian Emigrant</b>									
<b>B.1.1.1. Improve the image of Albanian emigrants abroad</b>									
No.	Measure	Activity	Pre-conditions	Responsible Body	Implementing Body	Deadline (duration /finalization)	Human Resources	Total Budget	Possible Bench
14	Creation of Albanian Cultural Institutes in Greece and Italy, for the promotion of the Albanian image and its emigrants'. They will also offer certain services to Albanian emigrant communities.	<ol style="list-style-type: none"> <li>Approval of a Decision from the Council of the Ministers "On the establishment of Cultural Institutions, in those host countries where Albanian Communities are larger".</li> <li>Promotion of these institutes through media campaigns in Albania and in host countries too.</li> </ol>		MoCYS, MoFA,	MoCYS, MoFA,	<ol style="list-style-type: none"> <li>2006</li> <li>2007</li> </ol>	6 persons employed in each Institute	<ol style="list-style-type: none"> <li>200 000 Euro per year (for each institute)= 1,6 million Euro.</li> <li>Existing Budget of MoCYS.</li> </ol>	<ol style="list-style-type: none"> <li>Activities and services provided by emigrants of the annual</li> </ol>
15	Inclusion of the Albanian emigrant communities in the cultural life of the host countries, and that of Albania, too, for the promotion of these communities.	<ol style="list-style-type: none"> <li>Signing and/or amendment of bilateral agreements including migratory element.</li> <li>Identification of cultural, sports, education, science associations, operating in host countries; identification of talented and successful individuals in those fields, too. (based on the list of Diaspora Institute)</li> </ol>		MoCYS	MoCYS, MoFA, MoES.	2006 and ongoing.	Existing human resources.	Existing budget of MoCYS.	<ol style="list-style-type: none"> <li>Number of agreements and re</li> <li>Number of associated individuals identified in the</li> </ol>
16	Promotion of the successful personalities cases in host countries as well as in Albania.	<ol style="list-style-type: none"> <li>Awarding to these personalities the title "Ambassador of the Nation" by the Albanian authorities.</li> <li>Promotion of those personalities in close cooperation with TVSH (new programme entitled the "100 most famous Albanians" to be launched end 2005 or 2006).</li> </ol>		MoCYS, MoES, TVSH.	MoCYS, MoES.	2006-on going	Existing Human resources in all three institutions.	<ol style="list-style-type: none"> <li>Existing budget.</li> <li>45 000 Euro.</li> </ol>	Number of personalities that will be promoted per year

No.	Measure	Activity	Pre-conditions	Responsible Body	Implementing Body	Deadline (duration /finalization)	Human Resources Tot
17	<p>Organization of media campaigns in Italy and Greece for the promotion and information about:</p> <ol style="list-style-type: none"> <li>1. Migration as a phenomenon;</li> <li>2. Albanian identity, history and culture;</li> <li>3. Information dissemination about current political, social and economical developments, occurring in the framework of the integration process of Albania in the EU.</li> </ol>	<ol style="list-style-type: none"> <li>1. Drafting and signing of agreements between TVSH and the national televisions of the host countries, regarding the broadcasting of the campaign.</li> <li>2. Realization of a documentary film from TVSH, about the Albanian emigration phenomenon. This documentary ought to be translated into Greek, Italian and English.</li> <li>3. Realization of several mini documentary films and media promotion campaigns, about the Albanian historical background and culture.</li> </ol>	<p>Signing of Collaboration Agreements between MoLSA, MCYS and TVSH as well as national televisions of host countries.</p>	<p>TVSH, MoCYS, MoLSA</p>	<p>TVSH, MoCYS, MoLSA</p>	<p>2006-2008</p>	<p>Existing Human resources.</p> <p>55 Eu</p>

**B. Linking emigration of Albanians and development of Albania**

**B.1.1.2. Improve the Albanian diplomatic and consular services for Albanians emigrants.**

No.	Measure	Activity	Prerequisites	Responsible Body	Implementing Body	Deadline (duration/ finalization)	Human Resources	Total Budget
18	Capacity building and appointment of necessary staff, offering consular services and assistance on legal and migration matters to emigrants.	<ol style="list-style-type: none"> <li>1. Identification of deficiencies and needs inside MoFA, embassies, and consulates for specialized staff, offering consular services and provide legal/migration assistance to emigrants.</li> <li>2. Appointment of necessary staff.</li> </ol>	Finalization of the evaluation report for the identification of needs and deficiencies.	MoFA	MoFA	<ol style="list-style-type: none"> <li>1. 2005</li> <li>2. 2006 ongoing according to the needs.</li> </ol>	<ol style="list-style-type: none"> <li>1. Existing resources</li> <li>2. To be identified after the finalization of the evaluation report on the needs and deficiencies</li> </ol>	<ol style="list-style-type: none"> <li>1. Existing Bud</li> <li>2. To be identified according to the report.</li> </ol>
19	Based on the quarterly information received from consulates, compilation and publication from MoFA, of an annual report regarding the assistance offered to Albanian citizens. The report should also provide information on the actual situation of the Albanian community abroad, with a focus on Italy and Greece.	<ol style="list-style-type: none"> <li>1. Assessment of the legal and migratory assistance provided to emigrants from the consulates abroad and identification of needs.</li> <li>2. Evaluation of the information collected in MoFA and elaboration of the report.</li> </ol>	Definition and approval by MoFA, of the structure and methodology of work for the report.	MoFA	MoFA	<ol style="list-style-type: none"> <li>1. 2006 and ongoing in quarterly periods.</li> <li>2. 2006 and ongoing.</li> </ol>	Appointment of a specialist for the collection and evaluation of the material.	6 000 Euro for specialist and Euro for the publication and dissemination report. (Every 000 Euro-55 0 for 5 years)
20	Training of Diplomats in migrant rights.	Organization of special seminars in migration area, within MoFA and Diplomatic Academy, for the training of Diplomats.	Identification of the training needs and drafting of special training modules in this area.	MoFA,	MoFA, MoLSA.	2006-2010 (Periodical training according to the needs).	Existing Resources	60000 Euro.
21	Establishment of web sites for the embassies providing information on the services offered to emigrants. (Priority to be given to Greece and Italy)	<ol style="list-style-type: none"> <li>1. Provision of all embassies with web sites.</li> <li>2. Drafting of a catalogue with consular services regarding the emigrants and inclusion of the catalogue in the web sites.</li> </ol>		MoFA	MoFA, MoLSA.	2006	A specialist from MOFA	Approximately Euro for the pc of the specialists 10 000 Euro for web sites of ot consulates (for years=35000 Euro)

## B. Linking emigration of Albanians and development of Albania

### B.1.1.3. Protecting rights of Albanian Emigrants

No.	Measure	Activity	Prerequisites	Responsible Body	Implementing Body	Deadline (duration / finalization)	Human Resources	Total Budget
22	Establishment of high-level consultative commissions between ministries in charge of migration in Greek and Italian governments, on the basis of existing structures or of new ones to be created.	<ol style="list-style-type: none"> <li>Negotiation and signing of MOU-s among Albanian ministries and homologue ministries in Greece and Italy.</li> <li>Establishment and functioning of these committees on a periodic bases.</li> </ol>	Agreement with Italy and Greece.	MoFA	MoFA, MoLSA, MoPO, ISI.	Establishment of contacts 2006.	Existing Human Resources.	Existing Budget.
	Information to Albanian emigrant associations in Greece and Italy, about the different ways to lodge complaints about violations of emigrants' rights at national and international level.	<p>Realization of an awareness campaign about the possibilities of appealing against violation of emigrants' rights at national and international bodies in charge of human and migrants rights (<i>Special Rapporteur for migrants rights of the United Nations, Commissioner for human rights of the Council of Europe, European Court of human rights, European Commission against racism and intolerance (ECRI) of the Council of Europe, Commission for petitions of the European Parliament and Ombudsman of the EU</i>):</p> <ol style="list-style-type: none"> <li>Publication of this information in the web site <a href="http://www.migrantinfo.gov.al">www.migrantinfo.gov.al</a></li> <li>Publication in Albanian newspapers abroad.</li> <li>Publication and distribution of leaflets related to this information.</li> <li>Publication through the web sites established by Albanian communities abroad.</li> </ol>	<p>Commission two studies to a Greek and an Italian lawyer about emigrants' rights, taking into consideration the most frequent offences happening to them (see measure 19)</p>	MoFA, Ombudsman	MoFA, MoLSA, Ombudsman.	2006 and ongoing.	Existing Human Resources.	<p>Realization of an awareness campaign through this budget:</p> <ul style="list-style-type: none"> <li>6000 Euro for the publication in the newspapers abroad.</li> <li>7000 Euro for the publication and distribution of the leaflets.</li> </ul> <p>Studies:</p> <ul style="list-style-type: none"> <li>2500 Euro for the pre-requisite study in Italy.</li> <li>2500 Euro for the pre-requisite study in Greece.</li> </ul>

No.	Measure	Activity	Prerequisites	Responsible Body	Implementing Body	Deadline (duration / finalization)	Human Resources	Total Budget
24	Establishment of contacts with the European Group of Regional and Local Authorities in the field of Immigration (ERLAI) based in Brussels, in which Greek and Italian local authorities are represented, in order to investigate support possibilities for the policy on protection of Albanian emigrants' rights.	Establishment of contacts and cooperation with the local and regional authorities, members of ERLAI in Greece and Italy.		MoFA	MoFA, MoLSA.	First semester of 2006.	Existing Human resources.	7500 Euro (3 missions in Brussels, Greece and Italy)
25	Establishment of close contacts between associations of Albanian emigrants and Greek and Italian associations for the protection of immigrants;	1. Identification of Greek and Italian organizations for human rights and immigrant rights protection. 2. Establishment of contacts with these organizations through annual meetings.		MoFA, MoLSA.	MoFA, MoLSA.	2005 ongoing.	Existing Human resources.	<ul style="list-style-type: none"> <li>5000 Euro for Greece.</li> <li>5000 Euro for Italy.</li> </ul>
26	Lodge complaints to the international bodies in charge of protection of migrants' rights by the government.	Report about violations of migrants' rights to Special Rapporteur for Human Rights and Special Reporter of migrants' rights of United Nations, Commissioner for Human Rights of the Council of Europe and European Commission against Racism and Intolerance (ECRI) of the Council of Europe.		MoFA	MoFA	2007 ongoing.	Existing human resources.	Existing budget.
27	Encourage and support the Albanian migrant associations in Greece and Italy, to demand on the basis of the handbook prepared by the Congress of Local and Regional Authorities of Europe of the Council of Europe, the creation of local consultative bodies for foreign residents in cities where Albanian emigrants concentrate.	1. Identification of the most populated areas with Albanian emigrants in Italy and Greece. 2. Awareness raising and information campaign about the necessity to establish such structures.		MoFA	MoFA	2006 ongoing.	Existing Human resources.	10000 Euro for both activities.

No.	Measure	Activity	Prerequisites	Responsible Body	Implementing Body	Deadline (duration / finalization)	Human Resources	Total B
28	Lobby the Greek and Italian bodies in charge of the transposition of EU directives, on family reunification and on long-term residents status, regarding the adoption of the most favorable provisions for Albanian emigrants.	Follow up of the process of transposition of those directives by Greece and Italy, and necessary remarks about measures' implementation.		MoFA, MoEI.	MoFA, MoEI.	2005 and 2006.	Existing Human resources.	Existin
29	A) Negotiation with Greek authorities on possibilities related to residence permits fee reduction in Greece based on community acquis principles. B) Re-evaluation of the possibilities for fee reduction related to the legalization of documents in Albanian embassies in the world.	A) Establishment of contacts and beginning of negotiations, with the respective Greek authorities.  B) Involvement of respective institutions in an analysis on fee reduction possibilities in favor of emigrants.		MoFA	A) MoFA B) MoFA and line institutions.	2006- and ongoing.	Existing Human resources.	Existir
30	Negotiations on signing of bilateral agreements with host countries for the social protection of emigrants, in order to grant them the right to export their benefits.	Signing and ratification of agreements with Italy, Greece, and Romania.		MoFA, MOLSA, IoSI.	MoFA, MOLSA, IoSI.	1. 2006 for Romania 2. 2008-2010 for Greece and Italy.	Existing Human Resources.	Existin
31	Collect voluntary contributions of social insurance.	Signing of agreements between ISI and banks.	Identify the concerned countries.	MOLSA, IoSI.	MoFA MOLSA, IoSI.	2005 and ongoing.	Existing Human resources.	Existin



## B. Linking emigration of Albanians and development of Albania

### B.1.2. Mobilizing Albanian Communities Abroad

No.	Measure	Activity	Prerequisites	Responsible Body	Implementing Body	Deadline (duration/ finalization)	Human Resources	Total Budget
32	Creation of possibilities for the Albanian communities and organizations in the world, to unify under a single Diaspora aiming at the development of Albania.	<ol style="list-style-type: none"> <li>1. Undertake a study covering the dynamics and development of Albanian Diaspora</li> <li>2. Identification of the states where Diaspora policies should operate with priority.</li> <li>3. Creation and update of a database reflecting all the Albanian associations abroad, with all their contact details.</li> <li>4. Creation and update of a database of newspapers, web sites, radio and TV channels of Diaspora, situated and functioning in countries that are considered as being prioritized concerning the national policies of Diaspora.</li> <li>5. Design an E-Journal on Diaspora, covering all Albanian communities abroad.</li> <li>6. Promote and support the creation of special groups/associations of Albanian emigrants according to interest, common professions, or geographical location. <ul style="list-style-type: none"> <li>- Creation of facilities such as the publication in Newspapers or web sites, of the information, enabling the creation of these groups of interests.</li> <li>- Create contacts among these homologue groups in different countries.</li> </ul> </li> </ol>	<p>2/3/4/5/6 Finalization of the study foreseen in point 1.</p>	National Institute of Diaspora.	National Institute of Diaspora.	<ol style="list-style-type: none"> <li>1. 2006</li> <li>2. 2006</li> <li>3. End of 2006 and ongoing update.</li> <li>4. End of 2006 and ongoing update.</li> <li>5. End of 2006 and ongoing update.</li> <li>6. End of 2006 and ongoing update.</li> </ol>	<ol style="list-style-type: none"> <li>1. Two experts</li> <li>2. Existing resources.</li> <li>3/4/5/- A specialist</li> <li>6. Existing Resources of National Institute of Diaspora.</li> </ol>	<ol style="list-style-type: none"> <li>1. 20 000 Euro</li> <li>2. No need for additional budget</li> <li>3. Existing Budget.</li> <li>4. Existing Budget.</li> <li>5. 2000 Euro annual for the E-journal ar</li> <li>6000 Euro annually; years 40 000 Euro total) for the specialists that will deal with 3/4/5.</li> <li>6. Existing Budget.</li> </ol>
33	Organization of the first congress of Albanian Diaspora in Tirana, in order to define adequately based on the views of emigrants the new policy on Diaspora. Issues such as language and culture preservation, brain drain phenomenon, as well as investments in Albania should be considered with priority.	<ol style="list-style-type: none"> <li>1. Promotion of the project of a Diaspora Congress inside and outside Albania through publications of leaflets, brochures, newspapers and other advertising materials to incite interest and participation in the Congress.</li> <li>2. Identification of human and financial resources necessary for the organization of the Congress and launching of a fundraising campaign.</li> <li>3. Organization of the congress in Tirana.</li> </ol>	Realization of the previous measures no 32/1.	National Institute of Diaspora.	National Institute of Diaspora.	<ol style="list-style-type: none"> <li>1. 2006-2007</li> <li>2. 2006</li> <li>3. 2007</li> </ol>	<ol style="list-style-type: none"> <li>1/2. Existing Human resources.</li> <li>3. To be identified according to the measure 33, activity 2.</li> </ol>	<ol style="list-style-type: none"> <li>1. 10 000 leaflets-2 000 Euro <ul style="list-style-type: none"> <li>• 5000 brochur</li> <li>• 5000 Euro</li> <li>• 5000 Euro for other advertis materials.</li> </ul> </li> <li>2. Existing resource</li> <li>3. To be identified according to the measure 33, activi</li> <li>2.</li> </ol>

No.	Measure	Activity	Prerequisites	Responsible Body	Implementing Body	Deadline (duration/ finalization)	Human Resources	Total Budget
34	1.Extension of the coverage of the National Albanian State Television and Radio, abroad, where there are communities of Albanian Emigrants. 2.Encourage the National public TV channel to increase numbers of programs on Diaspora.	1. Signing of a Broadcasting Contract with Eutelsat Satellite for coverage extension. 2. Increase the number of programmes for Albanian emigrants/Communities abroad. 3. Improved cooperation with the Albanian Medias, related to the production of joint programmes and broadcasting of programmes produced by RTVSH. 4. Conclude agreements with the main host countries to broadcast the programmes produced on Albanian Communities/Diaspora.	1.Identification of the countries not covered by RTVSH.	RTVSH	RTVSH, National Institute of Diaspora.	1.2006-2007. 2.2006 ongoing. 3.2006 ongoing. 4.2006 ongoing.	1. Existing resources. 2. Existing resources. 3. Existing resources. 4. Existing human resources.	1.44 000 Euro annually for America and Australia,Total 220.000. 2. 10000 Euro for a programme per year (5 programmes-50 000 Euro).
35	Establishment of a Representing Structure for Diaspora.	1. Definition of the status and competencies of the Representing Structure and definition of the way the Representing Structure of Diaspora will be appointed. 2. Establishment of the representative Structure.	1.Study mentioned under measure 32/1. 2.Organizaton of Diaspora Congress in 2007-2008.	National Institute for Diaspora and Migration.	National Institute for Diaspora and Migration.	1. 2007-2008 2. 2008-2010	1.Existing Resources. 2.To be calculated on the basis of the structure appointed.	1.Existing budget. 2.To be calculated on the basis of the structure appointed.
36	Setting the conditions for the education of emigrants in their mother tongue (priority to be given to Greece and Italy).	1.Identification of needs for Albanian Language Courses in the host countries (following the research of measure 32, activity 1); 2. Drafting of standard curricula necessary for the teaching in Albanian of emigrants and their children. 3.Provision of books and necessary materials. 4. Training of teachers 5. Signing of Collaboration agreements with education institutions in host countries, regarding the establishment of the courses in Albanian Language in their existing schools/education facilities.	1. Carry out the research mentioned in measure 32 activity 1, where to be identified is: a) Number of existing courses in Albanian Language. b) The number of Albanian children for whom the books will be published.	1. National Institute of Diaspora 2. MOES. 3. MOES 4. MOES 5. MOES	1.National Institute of Diaspora 2.MOES. 3.MOES 4. MOES 5. MOES National Institute of Diaspora.	1.2006 2.2006 3.2006-2007 4. 2006-2007 5. 2006 and ongoing.	1. Existing Resources. 2. Existing Resources. 3. Existing Resources. 4. Existing Resources. 5. Existing Resources.	1. See measure 32, activity. 1. There isn't needed additional budget. 3. 1.8 million Euro for 300 000 textbooks. 4.20 000 Euro 5. Existing budget.

No.	Measure	Activity	Prerequisites	Responsible Body	Implementing Body	Deadline (duration/ finalization)	Human Resources	Total Budget
37	Drive Albanian Diaspora to Albania for tourism as well as for investment purposes.	<ol style="list-style-type: none"> <li>1. Information on Albanian Tourism and Investment opportunities in Albania to be published in the web sites of The national Institute of Diaspora and Migration, E-Journal, as well as in leaflets and brochures, to be disseminated.</li> <li>2. Organization of meetings, such as "Albanian Days" or other activities for the Albanian Diaspora regarding the promotion of Albanian tourism as well as investment facilities in Albania.</li> </ol>	Identify Albanian Communities interested for Tourism and Investment, based on the study referred to in measure No.32/1.	M. of Tourism	M. Tourism, Institute of Diaspora MoFA.	2006 - Ongoing	Existing human resources.	<ol style="list-style-type: none"> <li>1. Existing resource of Ministry of Tour</li> <li>2. 25 000 Euro per activity ("Albanian days") = 100 000 Euro.</li> </ol>

**B. Linking emigration of Albanians and development of Albania**

**B.1.3. Drive remittances to investment into business**

No.	Measure	Activity	Prerequisites	Responsible Body	Implementing Body	Deadline (duration finalization)	Human Resources	Total Budget
38	Elaboration of the part of the Action Plan on remittances	Analyze the final report of the study, and completion of measures on remittances	Study undertaken by IOM by the end of June.	To be identified.	To be identified.	July 2005	Existing Human resources	Existir Budge

<b>B. Linking emigration of Albanians and development of Albania</b>								
<b>B.2. Organizing an adequate emigration policy</b>								
<b>B.2.1. Management of circular migration</b>								
<b>B.2.1.1. Access to information on emigration possibilities</b>								
No.	Measure	Activity	Prerequisites	Responsible Body	Implementing Body	Deadline (duration /finalization)	Human Resources	Total Budget
39	Develop an information policy on migration, targeting every category of migrants, not only workers.	<ol style="list-style-type: none"> <li>1. Appoint focal points in every involved ministry and relevant institutes. These focal points will be responsible for the provision of information concerning emigration, Diaspora and immigration.</li> <li>2. Create and maintain a website <a href="http://www.migrantinfo.gov.al">www.migrantinfo.gov.al</a> on the Internet, giving detailed information on migration. <ol style="list-style-type: none"> <li>a. The focal points select the relevant information according to their working field and keep the information up to date.</li> <li>b. The IT experts of each involved line ministry or institute have access to the site to add the information provided by the focal points.</li> <li>c. Create a link on the website of each line ministry and institute to the website for migration.</li> </ol> </li> <li>3. Plan and launch a governmental information campaign on: <ul style="list-style-type: none"> <li>- Issues regarding emigration and immigration</li> <li>- Large-scale promotion of emigrants registration and its goals (ref to measure 41)</li> <li>- The existence of information sources on migration (migration counters, website etc)</li> </ul>           Through: <ul style="list-style-type: none"> <li>• Organization of radio and TV publicity</li> <li>• Publication and dissemination of leaflets and brochures</li> <li>• Organization of campaigns in schools and Universities throughout Albania, and especially in those areas characterized by high emigration flows.</li> </ul> </li> </ol>	<ol style="list-style-type: none"> <li>1. Make by-laws on the basis of Law 9000 on the Functioning of the Council of Ministers, in order to change the regulation of each ministry with the new task for an expert/specialist, dealing with the migration information policy.</li> <li>2. b technical expertise (IT expert) available to add the information to the site, training to be provided, equipment to be in place.</li> <li>2. c. Website of each line ministry or institute should be (re)-activated.</li> </ol>	MoLSA until the creation of the agency envisaged in measure 62.	Line ministries and institutes.	<ol style="list-style-type: none"> <li>1. June 2005</li> <li>2. June 2005, maintenance ongoing.</li> </ol>	Existing Human Resources.	<ol style="list-style-type: none"> <li>1. Existing budget.</li> <li>2. Existing budget.</li> <li>3. To be calculated according to the plan for the campaign.</li> </ol>
40	Creation and appointment of Migration Counters having institutional capacity to provide information on migration.	Establishment of the necessary infrastructure in the Regional Employment Offices, including: <ol style="list-style-type: none"> <li>a. Computer equipment, and</li> <li>b. Training of the staff.</li> </ol>	Reference to measure no. 9 regarding the capacity building of the NES.	MoLSA	MoLSA, NES.	2006-2010	Existing Human Resources	<ol style="list-style-type: none"> <li>a. 30000 Euro (for 1: computers)</li> <li>b. 14000 Euro</li> </ol>

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**B.2.1.2. Registration of migrants**

No	Measure	Activity	Prerequisites	Responsible Body	Implementing Body	Deadline (duration/ finalization)	Human Resources
41	Expand the National Civil Status Register with emigrants' data.	<p>1. Create the legal basis for the registration of emigrants in the Law on Civil Status and regulate the technical specification in by-laws, on the basis of the following principles (reference to measure 58 – 6).</p> <p>a. Citizens have the legal obligation to declare their departure at the Civil Status Office if they intend to leave for 12 months or more.</p> <p>b. Registration of the address abroad through the embassies or consulates is compulsory for new emigrants leaving the country after a date, which has to be determined.</p> <p>c. Registration for emigrants who have already left the country before the date mentioned under point 2, is voluntary</p> <p>d. The possibility to vote abroad through the embassies and consulates, which will be, introduced (see measure 58-4) will only be possible on the basis of registration</p> <p>2. Identify and programme the establishment of the required network and infrastructure, on the basis of the feasibility study.</p> <p>3. Finalization of the creation and implementation of the system.</p>	<p>The National Civil Register should be computerized.</p> <p>Feasibility study of IOM to be finished within end of June 2005.</p>	MoLGD	MoLGD, MoFA, MoLSA.	<p>1. 2006</p> <p>2. December 2005</p> <p>3. 2007</p>	<p>1. Existing resources</p> <p>2/3. To be planned on the basis of the study.</p>
42	Data Collection, additional to the data in the Civil Register, necessary for migration management through registration at the embassies and consular services.	<p>1. Definition of the data to be collected</p> <p>2. Identify and programme the establishment of the required network and infrastructure, on the basis of the feasibility study mentioned under measure 41.</p> <p>3. Finalization of the creation and implementation of the system</p>	<p>Feasibility study of IOM. To be finished by end of June 2005.</p>	MoFA, MoLSA.	MoLSA, MoFA, INSTAT.	<p>1. May 2005</p> <p>2. December 2005</p> <p>3. 2007</p>	To be defined on the basis of the study

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B.2.1.3. Bilateral Labour agreements as a tool for circular migration							
No.	Measure	Activity	Prerequisites	Responsible Body	Implementing Body	Deadline (duration/ finalization)	Human Resources
43	Review existing framework bi-lateral agreements on seasonal Labour migration with Greece and Italy. Negotiate framework labor agreements with those countries. (Specific arrangements for vocational training should be included into these agreements or negotiated separately).	Engage into negotiations with Greece and Italy, by sending a group of experts 2 to 3 times a year, to visit Italy and Greece.		MoLSA, MoFA	MoLSA, MoFA	Italy: 2006 (objective) Greece: 2006/2007 (objective)	Existing Resources
44	Carry out jointly with Italy and Greece, special pilot projects in order to facilitate the implementation of labor agreements. Try to benefit from special and provisional legislation of the hosting countries defined for labor shortages.	1) Establishment of contacts with Italy (MoLSA) and jointly elaborate a project for the selection, training in Albania, and then employment in Italy of a special quota of Albanian workers, in accordance with art. 23(ref: preference rights) of Law 286/98 (Italian Alien Law) 2) Promotion of a pilot project for the employment of Albanian Nurses into the Italian market as per art 27 para. 1-bis <sup>1</sup> of Italian Alien Law 286/98. 3) Initiate similar projects with Greece		MoLSA	MoLSA, MoFA.	1. July-December 2005 2. ongoing.	As foreseen in the pilot project.
45	Try to promote circular migration between Albania and third countries by measures favoring mobility of Albanian emigrants through the right to return to their host country by avoiding loss of long term residence status, in case of absence for more than one year <sup>2</sup>	Negotiate bilateral agreements, in priority with Greece and Italy		MoFA	MoFA, MoLSA.	2006 ongoing	Existing resources.
46	Explore further possibilities to conclude agreements with other countries on the basis of the reciprocal best interest and needs.	Establish a focal point within MoFA to follow the developments of foreign Labour markets and provide the information to MoLSA.		MoFA (consulates)	MoLSA, MoFA	2005 ongoing	Existing resources.

<sup>1</sup> Art. 27, para. 1-bis of the Italian Alien Law states that nurses can enter Italy with fixed-term job contracts and beyond yearly quotas.

<sup>2</sup> See Directive 2003/109 on Long-term residents, article 9 para. 2 (OJ L16, 23.01.2004)

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**B.2.1.4. Albanian Students in the EU Member States**

No.	Measure	Activity	Prerequisites	Responsible Body	Implementing Body	Deadline (duration/ finalization)	Human Resources	Total Budget
47	Orientation of programmes/donors offering scholarships abroad, according to necessary expertise areas for Albania.	<ol style="list-style-type: none"> <li>Commission an in depth study on the number of Albanian students attending universities abroad, and the study areas where they are being specialized.</li> <li>Identification of study and expertise areas, which are most necessary for Albania, and orientation of donors/programmes according to these identified areas.</li> <li>Lobby of the Albanian Authorities so that the condition on Return is included, for a period not less than a year, regarding all students being granted scholarships for abroad, in the framework of study programmes of various donors in Albania.</li> </ol>	<ol style="list-style-type: none"> <li>Establishment of a working group to undertake the study and definition of the methodology to be used for it.</li> <li>Establishment of a Scientific Committee with a broader base for the identification of expertise areas most necessary in Albania.</li> </ol>	<ol style="list-style-type: none"> <li>MoES</li> <li>MoLSA, MoE.</li> <li>MoES</li> </ol>	<ol style="list-style-type: none"> <li>MoES, MoFA, INSTAT.</li> <li>MoES/ Line ministries.</li> <li>MoES, MoFA, MoYCS.</li> </ol>	<ol style="list-style-type: none"> <li>2006</li> <li>2006</li> <li>ongoing</li> </ol>	<ol style="list-style-type: none"> <li>An expert.</li> <li>Existing resources.</li> <li>Existing resources.</li> </ol>	<ol style="list-style-type: none"> <li>1.10.000 Euro.</li> <li>Existing budget.</li> <li>Existing Budget.</li> </ol>
48	Promotion of programmes/donors that offer scholarships abroad, for Albania, such as Tempus and Erasmus Mundus programmes.	Organization of workshops providing information to Universities, aiming at the recognition of these programmes from students and professors in general.		MoES	MoES, Albanian Universities, Coordination offices of Albanian programmes	2006 ongoing in all academic years	Existing resources	6000 Euro annually for the organization of informative workshops in all universities in the country (total 30 000 Euro)
49	Negotiations with countries characterized by high students' flows, such as Italy. The aim is to facilitate Albanian students' mobility, through issuance of visas valid for not less than a year, or through acceleration of procedures regarding issuance of necessary residence permits.	<ol style="list-style-type: none"> <li>Undertake an evaluation report on the difficulties incurred by Albanian students, to come freely in their home country, and the factors affecting this situation.</li> <li>Lobby with host countries (especially with Italy) in order to take measures and enable free mobility for students.</li> </ol>	Finalization of the evaluation report in point 1.	<ol style="list-style-type: none"> <li>MoFA</li> <li>MoFA</li> </ol>	<ol style="list-style-type: none"> <li>MoFA. Ombudsman</li> <li>MoFA, MoEI</li> <li>MoES.</li> </ol>	<ol style="list-style-type: none"> <li>2006</li> <li>going until the solution of the problem.</li> </ol>	<ol style="list-style-type: none"> <li>An expert to undertake the evaluation report</li> <li>Existing Human resources</li> </ol>	<ol style="list-style-type: none"> <li>1.3000 Euro</li> <li>Existing budget.</li> </ol>



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**B.2.1.5. Visa policy**

No.	Measure	Activity	Prerequisites	Responsible Body	Implementing Body	Deadline (duration/ finalization)	Human Resources
50	Engage into negotiations with the EU and its Member States to request visa facilitation in the short and medium term, taking into account the view of a waiver in the long term;	Engage into bilateral diplomatic negotiations for visa facilitations obtainment, with: A. countries of the region: Serbia, Bosnia-Herzegovina, Croatia, Macedonia, Bulgaria, Romania B. EU countries, with the following countries as priority Italy, Greece, UK, Belgium, Germany, The Netherlands, France, Sweden		MoFA	MoFA, MoEI.	A. From 2005 ongoing. B. 2006.	Existing resources
51	Engage into further efforts to facilitate local border traffic taking into consideration the future EU regulation for local border traffic.	Negotiation and conclusion of an agreement with Montenegro on free local border traffic (with special document instead of passport)		MoFA	MoFA, MoPO	2006/2007	Existing resources
52	Facilitation of visa applications by improving the national administrative procedures that citizens must follow to obtain the required documentation;	Identification of the most problematic, time-consuming procedures and their improvement in line with measure B.4.1 of the Anti-corruption Action Plan.		To be identified.	To be identified.	2006	Existing resources
53	Fight the phenomenon of abusers (private individuals not related to state institutions) in front of the embassies and consulates, for instance persons selling application forms that can be obtained for free.	Police measures, enforcement and prosecution.		MoPO	MoPO, MOFA.	2005 and ongoing.	Existing budget.

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### B.2.2. From brain drain to brain circulation

No.	Measure	Activity	Prerequisites	Responsible Body	Implementing Body	Deadline (duration /finalization)	Human Resources
54	Development of policies aiming at high skilled emigrants' return.	I. Assess the offer and demand for highly skilled personnel on the Albanian Labour market II. Set up contacts among the emigrants and (big) enterprises in Albania, by creating an online database with companies and CV's of emigrants	Definition of the term high skilled emigrants by setting criteria.	MoLSA.	MoLSA, MoE.	I. 2005 II. ongoing	Existing resources.
55	Development of policies to avoid brain drain.	I. Increasing the job offer in Albania: a. Attract foreign investors to invest in Albania. b. Stimulate the investors to recruit their staff locally or from the Albanian Diaspora abroad.	Approval of the new Law "On employment promotion".	MoLSA.	MoFA, MoLSA, NES, MoE, Agency for Foreign Investments promotion LGU.	2005 -2010	Existing resources.
56	Implementation of existing and future national programmes /of joint programmes with international institutions, in order to attract high skilled emigrants to work in Albania.	Establishment of cooperation with national and international institutions to implement these programmes, for instance with UNDP to develop TOKTEN for Albania.		MoLSA.	MoLSA.	2005 -2010	Existing resources.

**C. The elaboration of an appropriate Legal Framework for emigration and immigration.**

No.	Measure	Activity	Prerequisites	Responsible Body	Implementing Body	Deadline (duration/ finalization)	Human Resources	Total Budget
57	Ratification of International Instruments in Migration Area.	Take measures for the finalization of ratification procedures regarding the following international instruments. 1. ILO Convention no. 143 "On Migrant workers"; 2. Ratification of Council of Europe Convention on "The Legal status of Migrant Workers"; 3. Ratification of the UN Convention "For the Protection of rights of all migrant workers and their families".	Completion of an evaluation report on the effects of the ratification of such International Instruments will have on the national legislation.	MoLSA/ MoFA.	MoLSA/ MoFA.	1. October 2005; 2. April 2006; 3. December 2006	Existing resources.	Existing resource
58	Approval of new necessary laws and by-laws in emigration area as well as amendment of existing laws and by-laws in emigration area to ensure a widening of emigrants' protection area in accordance with international standards.	1. Approval of amendments of Law no. 9034/2003 "On emigration of Albanian citizens for employment purposes". 2. Inclusion of the obligation of the Albanian Government related to facilitation of Albanian language learning for the Albanian emigrants and their families in the Law On Pre University Education, in compliance with Article 11(2) of the Law On emigration of Albanian citizens for employment purposes. 3. Undertake a study for the identification of facilities enabling emigrants to vote abroad. Amendment of the electoral code and other acts pursuant to article 5(1) of the Law On Emigration, On the Execution of the right to vote abroad for the Albanian Emigrants. Relevant amendments in the Law for Consular services and other acts pursuant and in compliance with the amendments occurring with the Electoral Code. 4. Drafting and approval of laws pursuant to article 13 and 14 of the Law on Emigration –Drafting and approval of a decision of the CoM "On voluntary return promotion of Albanian emigrants and their re-integration in the country". 5. Amendment of the Law on Civil Status and Decision no. 365, 2000 " For the establishment and maintenance of the National Civil Status register and regulations for usage and technicalities of the e-network" aiming at the inclusion of emigrant contingency in this register. 6. Approval of the Integral Law for Employment Promotion. 7. Amendment of the Law on Social Insurances.	Approval of the Action Plan on the Alignment of the Legislation with the EU Acquis where the relevant standards will be identified.	1. MoLSA; 2. MoES; 3. MoLSA MoFA; CEC. 4. MoLSA; 5. MoLGD; 6. MoLSA; 7. MoLSA.	1. MoLSA; 2. MoES; 3. MoLSA, MoFA, CEC. 4. MoLSA; 5. MoLGD; 6. MoLSA; 7. MoLSA.	1. December 2005; 2. 2006; 3. Finalization of the study of the 2006-2007; Legal Amendments and provision of necessary infrastructure- 2007-2008. 4. December 2006; 5. 2006; 6. June 2006; 7. 2005.	Existing resources.	Existing resource for all the measures apart from activity No.4- the Study costs 2 000 Eu

No.	Measure	Activity	Prerequisites	Responsible Body	Implementing Body	Deadline (duration/ finalization)	Human Resources	Total Budget
59	Approval of new laws and amendment of existing ones in immigration area, aiming at the approximation with the Acquis Communautaire.	<p>1. Approval of Amendments for the Law on Foreigners in compliance with EU Acquis requirements in migration area.</p> <p>2. Amendment, basing and pursuant to the Law on Foreigners, of CoMD no. 439/2000 On Entry stay and treatment of foreigners in Republic Of Albania, in order for it to be in compliance with Community Acquis requirements in migration area.</p> <p>3. Drafting and approval of amendments in the joint Instruction of MoPO and MoFA "On Entry, Residence and Treatment of foreigners in Republic of Albania"</p> <p>4. Drafting and approval of amendments in the decision of the CoM no. 262/2000 On issuance of work permits to foreign citizens, on the bases of and pursuant to the Law on Foreigners.</p> <p>5. Drafting and approval of Amendments in the Directive of the Minister of MoLSA No. 786/2001 on the basis and pursuant to the amendments of decision of CoM 786/2001 as well as the Law on Foreigners.</p> <p>6. Drafting of the legal acts that will regulate the procedures for expulsion and removal.</p>	<p>1. Approval of the Action Plan on Legislation Alignment where acts of Community Acquis should be included, in order to be taken into consideration in the framework of legislative reform.</p> <p>2. Approval of amendments for the Law on Foreigners.</p> <p>3. Approval of the Draft Law On the amendments for the Law on Foreigners.</p> <p>4. Approval of the Draft Law On the amendments for the Law on Foreigners.</p> <p>5. Approval of the Draft Law On the amendments for the Law on Foreigners.</p>	<p>1. MoLSA, MoPO, MoFA.</p> <p>2. MoLSA, MoPO, MoFA.</p> <p>3. MoPO, MoFA.</p> <p>4. MoLSA</p> <p>5. MoLSA</p> <p>6. MoPO</p>	<p>1. MoLSA, MoPO, MoFA.</p> <p>2. MoLSA, MoPO, MoFA.</p> <p>3. MoPO, MoFA.</p> <p>4. MoLSA</p> <p>5. MoLSA</p> <p>6. MoPO</p>	<p>1. Undefined, depending on approval in the Parliament.</p> <p>2. Depending on approval of amendments of the Law On Foreigners.</p> <p>3. Depending on the approval of the draft law On the amendments of the Law on Foreigners.</p> <p>4. 2006</p> <p>(Depending on the approval of the draft law On the amendments of the Law on Foreigners).</p> <p>5. As above.</p> <p>6. 2006</p>	Existing Human resources.	Existing budget resources.
60	Drafting of practical handbooks related to migration issues, and provision of officials dealing directly with practical enforcement of migration legislation, with the former handbooks.	<p>1. Identification of by laws and laws enforced practically from each of the institutions dealing with foreigners and emigrants.</p> <p>2. Provision of all the officials working with practices related to foreigners/emigrants, at local and central level, with these handbooks.</p>		<p>MoLSA, MoPO, MoFA.</p>	<p>MoLSA, MoPO, MoFA.</p>	December-06	Existing Human resources.	5000 Euro.
61	Organization of continuous Trainings in the field of internal and international migration legislation, for the officials dealing with migratory issues.	Identification of the experts needing legal training, drafting of the training Modula in this area, as well as cooperation with ITAP for the inclusion of such a modula in the trainings delivered to civil servants.		ITAP	MoLSA, MoPO, MoFA, ITAP.	January 2006 and ongoing.	Existing Resources.	12500 Euro.

<b>D. Institutional framework and means for migration policy, in particular the implementation of the National Strategy for Migration.</b>								
No.	Measure	Activity	Precondition	Responsible Body	Implementing Body	Deadline (duration /finalization)	Human Resources	Total Budget
62	Strengthening of institutional capacities at central level for a better management of migration policy.	<p>1. Creation of an Agency for Migration attached to the Prime Minister Office, charged with the conception and coordination immigration, emigration and Diaspora policies (Head will be appointed by the Prime Minister; board of the Agency will comprise representatives of all the ministries in charge of the implementation of the policy, in particular MoLSA, MoPO, MoFA as well as MoES, MoCYS, MoLGD, LGU, MoEconomy, etc; recruitment of supplementary needed personnel for the agency);</p> <p>2. Transfer of the Institute of Diaspora from the MoFA to the Agency mentioned under point 1;</p> <p>3. Enlargement of the competencies of the existing sector on emigration to return and reintegration in the MoLSA and recruitment of supplementary human resources of the Directorate on migration</p> <p>4. Capacity building for the Department of Border and Migration in MoPO by creating a new sector or return and readmission and recruitment of supplementary human resources.</p> <p>5. Recruitment of supplementary human resources for the 3 sectors of the department of consular services in the MoFA by order of Prime Minister.</p>		<p>1 and 2: Prime Minister</p> <p>3: MoLSA</p> <p>4: MoPO</p> <p>5: MoFA</p>	<p>1 and 2: Prime Minister and MoFA</p> <p>3: MoLSA</p> <p>4: MoPO</p> <p>5: MoFA</p>	<p>1/2. To be calculated taking into account the number of persons transferred from the Institute to the Agency</p> <p>3. Recruitment of 4 specialists.</p> <p>4. Recruitment of 4 specialists.</p> <p>5. Recruitment of 5 specialists.</p>	<p>1. To be calculated.</p> <p>3. 24.000 Euro per year, total 120.000 Euro</p> <p>4. 35.000 Euro (staff + other means) per year, total 175.000.</p> <p>5. 30.000 Euro per year, total 150.000 Euro.</p>	
63	Strengthening of capacities for legal advise in the directorates in charge of migration of MoLSA, MoPO and MoFA.	Recruitment of a person specialized in migration law in each of the three concerned Directorates.		MoLSA, MoFA, MoPO.	MoLSA, MoFA, MoPO.	2006	3 Legal Experts.	90.000 Euro.
64	Enhancement of knowledge and expertise in the fields of emigration and immigration.	Creation of general courses on emigration and of specialised courses on immigration law, covering Albanian and European immigration law, and inclusion of these courses in the relevant programmes of the main Albanian universities.	Training of professors.	MoES	MoES Universities	2006	Existing Human resources.	Existing Budget.

No.	Measure	Activity	Precondition	Responsible Body	Implementing Body	Deadline (duration /finalization)	Human Resources	To
65	Monitoring of the National Action Plan on Migration.	Interim reporting every 6 months, and final reporting at the end of 2010 about the progress and delays in the implementation of the National Action Plan on Migration, to the Inter-ministerial Committee on Migration.		Prime Minister.	Agency For Migration.	First report end 2005 and then at the end of every semester.	Existing Human resources.	E B
66	Management of the electronic network of foreign and Albanian researchers specialized in migration from, to, through Albania and of officials of the ministries in charge of the policies on immigration, emigration and Diaspora.	Completion of the website with the names and details of the officials of all the ministries in charge of the policies on emigration and immigration.		The Agency for Migration.	All ministries in charge of or involved in immigration, emigration and Diaspora policies.	End 2005	Existing Human resources.	E B







