



# Migration Governance Snapshot: Republic of Albania

**September 2018**

In 2015, the International Organization for Migration (IOM) developed a [Migration Governance Framework \(MiGOF\)](#) to help countries define what “well-managed migration policy” might look like at the national level. The MiGOF was welcomed by IOM’s Member States in the same year. The Migration Governance Indicators (MGI)<sup>1</sup> were developed to assist countries operationalize the MiGOF by using a standard set of approximately 90 indicators that could be applied across six key policy domains.

The MGI is a tool based on policy inputs, which offers insights on policy levers that countries can use to develop their migration governance. The MGI is not intended to function as a measurement of outcomes related to migration policies and institutions. Instead, it operates as input-based benchmarking framework that offers insights on policy measures that countries can use to strengthen migration governance. The MGI is not meant to rank countries in the assessment of the comprehensiveness of their migration policies, or to identify gaps and areas that could be strengthened. The MGI aims to assist countries while advancing the conversation on migration governance by clarifying what “well-governed migration” might look like in the context of the [Sustainable Development Goal Target 10.7](#), “Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies.”

This country snapshot presents a summary of well-governed areas of the Republic of Albania (hereafter referred to as Albania) migration governance structures, as well as the areas with potential for further development, as assessed by MGI.

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<sup>1</sup> The MGI initiative is a policy-benchmarking programme led by IOM and implemented with the support of the Economist Intelligence Unit and financed by IOM Member States.

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## Key findings

### I. Adherence to international standards and fulfilment of migrants' rights

#### I.1. International conventions ratified

The table below follows a standard format and looks at the ratification of specific international conventions. The list of conventions covered is by no means exhaustive.

| Convention name  | Ratified   |
|--|------------|
| International Labour Organization (ILO) Migration for Employment Convention (Revised), 1949 (No. 97)                               | Yes (2005) |
| United Nations Convention relating to the Status of Refugees, 1951   | Yes (1992) |
| United Nations Convention relating to the Status of Stateless Persons, 1954  | Yes (2003) |
| United Nations Convention on the Reduction of Statelessness, 1961  | Yes (2003) |
| ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)  | Yes (2006) |
| United Nations Convention on the Rights of the Child, 1989   | Yes (1992) |
| United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990 | Yes (2007) |
| European Convention on the Legal Status of Migrant Workers   | Yes (2007) |
| European Convention on the Participation of Foreigners in Public Life at Local Level   | Yes (2005) |

#### I.2. Migration Governance: Examples of well-developed areas

Immigrants, depending on their legal status, have the same status as Albanian citizens in accessing government-funded health services. Economically active permanent residents are treated as economically active Albanian citizens – meaning that they have compulsory health insurance and are required to pay contributions. However, in the event of a medical emergency, and in cases where the lack of medical care may endanger life, all immigrants, irrespective of their legal status, have access to health care.

All immigrants also have access to primary and secondary education in Albania, irrespective of their legal status, as per the [Law No.69/2012 on Pre-University Education in the Republic of Albania \(2012\)](#). However, the registration of a child in a public school requires a document of residency that is issued by the municipality. Foreigners with irregular status cannot obtain such a document, and consequently are not able to register their children at school.

Immigrants may apply for permanent residence if they have continuously resided in Albania for at least five years and they meet certain additional conditions. The path to citizenship through naturalization begins after an immigrant has lawfully resided in the territory of Albania for no less than five consecutive years, according to article 9 of [Law No. 8389 on Albanian Citizenship](#).

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

#### I.3. Areas with potential for further development

An area that could be further explored relates to electoral rights, as foreign residents are not permitted to vote in local elections.

Although Albania has agreements with some countries on social protection, this is another area that could be strengthened by engaging in active negotiation on the portability of social benefits, along with better regulation of the legal status of Albanian migrant workers.

Employment within the public sector is restricted to Albanian citizens only.

## **2. Formulates policy using evidence and whole-of-government approach**

### **2.1. Migration Governance: Examples of well-developed areas**

Albania's immigration procedures are regulated by Law 108/2013, which establishes the conditions and procedures for the entrance, stay and departure of foreigners in Albanian territory. It also outlines immigrants' rights, as well as different types of visas and residence permits for different migrant types. There are embassies or consulates that assist nationals residing abroad in about 50 countries.

Through its structure, which includes the State Police, Border and Migration Department, Directorate of Anti-Trafficking and Migration and Directorate for Asylum, the Ministry of Interior is the main authority responsible for the management of immigration and integration of foreigners. The State Minister on Diaspora is currently responsible for designing an overall diaspora policy – the National Strategy on Diaspora (along with an action plan) – in cooperation with other ministries. In addition, the Ministry for Europe and Foreign Affairs, together with the State Minister on Diaspora, promotes and strengthens overall cooperation between the Albanian communities living outside of Albania and the host countries. The Ministry of Finance and Economy is responsible, in cooperation with other governmental actors, for the formulation of labour emigration policy and its implementation.

The country has a clear and transparent set of rules and regulations pertaining to migration. Relevant laws, rules, regulations and information relating to visa processes are generally available online on the websites of government institutions and agencies.

Data on migration are collected and published on a regular basis by, for example, the National Institute of Statistics, the Department of Border and Migration in the General Directorate of State Police through the Total Information Management System, the National Employment Service, the Ministry of Education and Sports, the Directorate of Legal Issues and Approximation, and the Asylum Directorate. The Migration Profile of Albania is published on a yearly basis.

The 2011 Albanian Population and Housing Census included various questions on migration throughout the Individual Questionnaire on, for example, place of birth, country of citizenship, residence abroad, family members living abroad, place of residence at the time of the census, and country of residence prior to coming to live in Albania. Much of the regularly collected and published data on migration are disaggregated by sex.

### **2.2. Areas with potential for further development**

Albania is currently formulating a migration governance policy (strategy and action plan), since the previous National Strategy on Migration and Action Plan was developed in 2005 and ended in 2010.

The coordination mechanism on migration mainly works on an ad hoc basis through working groups on specific issues, such as when drafting the national strategy on migration, or when compiling the Migration Profile.

Even though data collection has been reported as a well-developed area, it is important that Albania continue to collect and analyse data in order to prepare migration forecasts as well as to understand the impact of migration trends on its labour market.

### 3. Engages with partners to address migration and related issues

#### 3.1. Migration Governance: Examples of well-developed areas

Albania is part of the [Budapest Process](#) and [Prague Process](#) (regional consultative processes). It is also part of various initiatives promoting labour mobility, more effective management of migration flows in the region, border security, free trade, and development and security. These include regional initiatives such as the [Migration, Asylum, Refugees Regional Initiative](#) (Albania held the presidency of this initiative from April 2010 to April 2011); [the Regional Cooperation Council](#) (Albania is a member of the board); the South-East European Cooperation Process (Albania held the presidency from June 2014 to June 2015); the South-East European Law Enforcement Centre; the South-East European Cooperation Initiative; the Central European Free Trade Agreement (Albania chaired this during 2012); the Central European Initiative; and the Adriatic Ionian Initiative (Albania held the chairmanship of this from June 2013 to May 2014).

Albania has various memorandums of understanding and agreements related to migration with other countries on, for example, irregular migration, counter-terrorism, organized crime, illicit trafficking of narcotic drugs, exchange of information on migration and control issues, and asylum issues. In addition, negotiations are currently under way with Germany and France for the exchange of information on asylum and migration. Cooperation with countries such as the United Kingdom, Italy and Greece is also ongoing with respect to data and information exchange, return procedures, border control and assistance of victims of trafficking.

There are various ways in which Albania has formally engaged diaspora members in development issues. One example is the project Engage the Albanian Diaspora to the Social and Economic Development of Albania, which aims to enhance the engagement of Albanian diaspora members in the development of the country. Furthermore, diaspora members were actively engaged in the consultation during the development of the Policy Document on Engaging with Albanian Communities Abroad, prepared with technical and financial support from IOM in 2016, as well as in the successive initiatives undertaken by the State Minister for Diaspora.

#### 3.2. Areas with potential for further development

Although Albania is part of various regional initiatives on migration, there are no arrangements for formal intraregional mobility or labour mobility that have been reached as a result. Enhancing the efforts of promoting intraregional mobility in South-Eastern Europe, as well as aligning labour market policies and legislation with those of the European Union, is an area with potential for further development in Albania.

The private sector and social partners are involved in migration policy development and implementation only on an ad hoc basis, and mainly in relation to entrepreneurial initiatives, when incentives are provided, or as sponsors for services to migrants (particularly victims of human trafficking). The Government should therefore look at strengthening and formalizing these collaborations.

### 4. Advances the socioeconomic well-being of migrants and society

#### 4.1 Migration Governance: Examples of well-developed areas

Albania has different types of visas to attract specific labour skills. Residence permits known as the AL Blue Card are issued for special work permits for highly qualified workers. Issued for a two-year period, the AL Blue Card residence permit may be renewed for three years. Residence permits of up to one year are also issued for scientific work. Albania accounts for labour migrants' skills and capabilities when deciding whether to admit migrants – for example, through the Type C visa, which is for professional, commercial and business purposes.

Albania has participated in the European Qualifications Framework since 2010, and since 2003 has been a full member of the Bologna Process and the European Higher Education Area. It has also signed and ratified the [Convention on the Recognition of Qualifications concerning Higher Education in the European Region](#), which entered into force in 2002.

Albania has various bilateral labour agreements on mobility with countries including Germany, Greece, Italy and the former Yugoslav Republic of Macedonia, as well as with the European Union.

Through Decision No. 101, 23 February 2018, the Council of Ministers of Albania regulated the functioning of private recruitment agencies in Albania to promote ethical standards for the recruitment of immigrants. Albania provides for the protection of the rights of its nationals working abroad as per Law No. 9668, On the Emigration of Albanian Citizens for Employment Motives, dated 18 December 2006. Under this law, the State undertakes to guarantee the care and protection of its citizens abroad, as well as the maintenance and reinforcement of their ties to Albania.

The Bank of Albania has recently launched Project Greenback in collaboration with the World Bank in the field of payments, with funds from the Swiss Government. This project aims at increasing efficiency in the market for remittances, mainly through awareness-raising and financial education activities.

## **4.2. Areas with potential for further development**

Albania does not provide equal access to university education for all international students. Each academic year, quotas are determined for international students who wish to study at an Albanian university. However, once they have passed the procedures and have been admitted, international students have the same rights as Albanian students, including in financial terms. In addition, although Albania does allow international students to work in the country after graduation as per Law No. 108/2013, it does not have a particular scheme to retain them once they graduate.

There is no system in place to monitor labour market demand for immigrants. Similarly, there are no assessments of the impact of emigration on the domestic labour market.

# **5. Effectively addresses the mobility dimensions of crises**

## **5.1. Migration Governance: Examples of well-developed areas**

Albania has a [National Civil Emergency Plan](#) (2004), which is a practical, useable resource to manage all stages of the disaster cycle, from preparedness to response, through recovery to the eventual mitigation of the effects of disaster on the population, including the evacuation of the civil population. With regard to migration crises, the start of the 2016 crisis saw the activation of the Balkan Route, whereby the Government, with the technical support of IOM, developed a Contingency Plan for the significant influx of migrants and refugees. This Plan has been regularly updated.

Law No. 8756 On Civil Emergency Services, 26 March 2001, and the [National Civil Emergency Plan](#), clearly outline the structures and communication systems that need to be activated in the event of civil emergencies. The structures and communication systems work both at the national and local levels. However, no special provisions exist to address the vulnerabilities immigrants may face.

Albania's legal framework includes provisions to protect immigrants' rights in times of crisis, including exceptions to the immigration procedures for those whose countries of origin are experiencing crisis. Such measures are described in Law No. 121/2014, On Asylum in the Republic of Albania, which grants temporary protection to foreigners who enter en masse into Albania from a country where their human rights are violated, or their protection cannot be guaranteed due to a situation of war or general violence.

## **5.2. Areas with potential for further development**

The [National Civil Emergency Plan](#) does not include a specific strategy to assist immigrants during crisis and post-crisis phases in the country. However, since the Plan does not distinguish between Albanian citizens and foreigners, assistance to immigrants is in fact granted in times of crisis or post-crisis.

There is a lack of strategy for addressing migratory movements caused by the adverse effects of environmental and climate change.

The National Strategy for Development and Integration 2015–2020 does not include specific provisions regarding migration-related issues in post-crisis recovery strategies. Neither does it address displacement.

Moreover, the migration policy does not explicitly address the potential return of migrants who fled the country during a period of crisis, although the rights of immigrants are protected by the Constitution of Albania and the Civil Code.

## **6. Ensures that migration takes place in a safe, orderly and dignified manner**

### **6.1. Migration Governance: Examples of well-developed areas**

The country monitors visa overstays through the responsible border and migration authority. Integrated border control and security in Albania are under the administrative jurisdiction of the Minister of Internal Affairs and carried out by the Border and Migration Police. The Police Training Department started to work with the adoption of the new State Police structure in July 2007, and is focused on the continuous development of the skills of State Police employees, based on the standards and experience of other countries.

The Government clearly outlines visa options and the procedures for obtaining different types of visas on the Ministry of Foreign Affairs' [website](#). Visa applications can be submitted online. The verification process is then undertaken by the Consul, who reviews the application form and related documents.

There are several formal government programmes and policies that are focused on attracting and integrating nationals who have migrated from Albania. Such measures are foreseen in the National Strategy for Employment and Skills 2014–2020 and Law No. 10389/2011. The measures include: (a) inclusion of the category of Albanian returnees who have economic problems in the special group of unemployed jobseekers benefiting from the employment promotion programme; (b) identification of existing needs for the vocational training of Albanian returnees with economic problems and provision of free training in the regional directorates of public vocational training; (c) provision of social care services; and (d) providing support in completing applications for receiving economic aid. Moreover, Migration Counters exist in all local employment offices, and facilitate referral to available services for three categories of migrants (potential migrants, returnees and immigrants).

The Ministry of Interior is in charge of coordinating efforts to combat human trafficking through the National Coordination Office Against the Trafficking of Human Beings and its Anti-trafficking and Migration Directorate. The Directorate monitors and coordinates all activities tackling human trafficking in the country. Albania also had a National Strategy on the Fight Against Trafficking of Human Beings and Trafficking of Children 2014–2017, which included a national action plan. The new Action Plan on the Fight Against Trafficking of Human Beings (2018–2020) is currently being reviewed by the Government. The country regularly publishes information about its counter-trafficking activities on the website of the Ministry of Interior under “Anti-trafficking”.

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