

# Security for Human Beings and Borders

Combating Smuggling of Migrants  
in the Western Balkan



Funded by  
the European Union



## National research paper on smuggling of migrants – Albania

Tirana, June 2023



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**For Publisher:**

Miroslava Jelačić Kojić

**Author**

AHC



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## MONITORING REPORT: MIGRANTS' SMUGGLING IN THE REPUBLIC OF ALBANIA

### Coordination of the National Platform and report review:

Mrs. Anda Kruetani, Project Coordinator, Albania Helsinki Committee

### Legal review:

Mr. Njazi Jaho, Legal consultant, Albanian Helsinki Committee

### Members of the National Platform:

**Albanian Initiative for Development** (Ms. Anila Shehi (Dollani); **CRCA/ECPAT** (Mr. Altin Hazizaj, Ms. Borjana Dine, Mr. Klaudio Pulaha, Ms. Mimoza Sula); **Different and Equal** (Ms. Stela Tanellari, Ms. Ina Çela); **European Movement Albania** (Ms. Nirvana Deliu); **Gruaja te Gruaja Shkodër** (Mr. Suad Arilla); **Nisma ARSIS** (Ms. Ana Majko, Mr. Ditmir Lita); **Qendra për Nisma Ligjore Qytetare** (Ms. Klea Cahani, Ms. Lime Skuka, Ms. Nadia Guni); **Shoqata Gazetarë Profesionistë Rajonalë** (Mr. Fatos Puto); Shoqata Multifunkionale për Kulturë, **Edukim dhe Zhvillim** (Ms. Loreta Mamani); **Shoqata "Tjetër Vizion"** (Ms. Ardiana Kasa).

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If you are interested in this report, you may contact the Albanian Helsinki Committee at the address below:

Rr. Brigada e VIII, Pallati "Tekno Projekt" Shk 2 Ap 10,

Tirana-Albania

PO BOX no.1752;

Tel: 04 2233671; Cel: 0694075732;

E-mail:office@ahc.org.al;

Web site: www.ahc.org.al

# Contents

<b>FOREWORD</b> .....	<b>5</b>
<b>EXECUTIVE SUMMARY</b> .....	<b>6</b>
<b>1. INTRODUCTION</b> .....	<b>9</b>
<b>2. TERMINOLOGY</b> .....	<b>10</b>
<b>3. METHODOLOGY</b> .....	<b>11</b>
<b>4. INSTITUTIONAL CAPACITIES IN MANAGING MIGRATION AND COMBATING MIGRANT SMUGGLING</b> .....	<b>12</b>
4.1. Key national stakeholders in charge of migration and combating migrant smuggling .....	13
4.2. Institutional capacities and challenges .....	15
<b>5. MIGRANT SMUGGLING – A VIEW FROM THE PRACTICE IN ALBANIA</b> .....	<b>18</b>
5.1. Profile of irregular migrants entering and leaving Albania .....	18
5.2. Modus operandi of migrant smuggling in Albania .....	19
5.3. Migrant smugglers .....	21
5.4. Smuggled migrants .....	23
5.5. Collaboration with competent authorities .....	24
5.6. The practice of prevention of smuggling and protection of smuggled migrants .....	24
<b>6. ANNEX: PROPOSAL FOR COLLABORATION BETWEEN CSOS AND COMPETENT AUTHORITIES – NATIONAL STANDARD OPERATING PROCEDURES (NSOPS)</b> .....	<b>26</b>
Priority Areas .....	26
<b>7. CONCLUSIONS AND RECOMMENDATIONS</b> .....	<b>30</b>

# Foreword

Dear reader,

In line with its mission to promote and uphold human rights and strengthen the rule of law, the Albanian Helsinki Committee (AHC) has taken numerous initiatives over the years to monitor and advocate for the protection of the rights of migrants, refugees, and asylum seekers in Albania. The AHC, in their reports, has consistently provided valuable recommendations aimed at enhancing the effective implementation of these rights.

For the purpose of analysing trends and developing policies to address the risks and demands associated with the prevention of smuggling and the protection of smuggled migrants, the Albanian Helsinki Committee (AHC), leading the National Platform for the Prevention of Migrant Smuggling and Protection of Smuggled Migrants in Albania, took the initiative to monitor key patterns and trends in irregular migrant movements, with a particular emphasis on migrant smuggling operations and services. The study sought to assess institutional capabilities in managing migration and combating migrant smuggling, while offering concrete suggestions and recommendations for improving the current situation.

The Albanian Helsinki Committee expresses its appreciation for the efforts made by the members of the National Platform for the Prevention of Migrant Smuggling and Protection of Smuggled Migrants, whose valuable contributions were instrumental in the preparation of this study report. We extend our gratitude to the institutions with whom we established and enhanced the collaboration during the project implementation, particularly during the monitoring process and data collection. Their openness and cooperation in providing essential data for the report are highly appreciated.

Additionally, we would like to acknowledge the fruitful collaboration we had with our regional implementing partners of the project 'Security for human beings and borders – combating smuggling of migrants in the Western Balkans', including Group 484 (Serbia), the Civic Alliance (Montenegro), the Macedonian Young Lawyers Association, Vasa Prava (Your Right) Bosnia and Herzegovina, the Belgrade Center for Human Rights, the Civil Rights Program in Kosovo, and the Danish Refugee Council. Their support and collaboration over the past three years have been invaluable to the project's success. Lastly, we express our gratitude to the European Union for its ongoing support in promoting human rights and freedoms in Albania, which made this study possible.

We extend our best wishes as you embark on reading this Study Report.

Warm regards,

The Albanian Helsinki Committee

# Executive summary

This executive summary provides a glimpse into the main findings and conclusions derived from monitoring select key institutions involved in managing migration and migrant smuggling. The subsequent sections of this report delve into a comprehensive analysis of relevant stakeholders, their capacities, the prevailing trends and patterns of migrant smuggling in Albania, profiles of both smugglers and smuggled migrants, as well as the modus operandi employed in smuggling activities. Additionally, the report presents recommendations tailored to key stakeholders in order to address the identified issues and challenges effectively.

1. 'Smuggling of migrants'<sup>1</sup> shall mean the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident. In the Albanian legislation, the criminal code includes specific provisions for smuggling. The article 298 of criminal code provides that '*Sheltering, accompanying, putting at the disposition or use of means of sea transport, air transport or other means of transport, with the purpose of assisting in the illegal crossing of the borders of the Republic of Albania or in the illegal entrance of a person in another country without being its citizen or without residence permit for that country, is punished with imprisonment of from one to four years.*'
2. Migrant smuggling falls within the scope of Chapter 24 of the EU Acquis, which focuses on Justice, Freedom, and Security. It is closely linked to various aspects covered by this chapter, such as irregular migration, border management, Schengen area regulations, EU visa policies, combating human trafficking, and addressing organized crime.
3. In Albania, the main illegal services that are provided to migrants with the purpose of illegally entering the country without being its citizen or without residence permit are sheltering, accompanying, or putting at their disposal or use of means of transport.
4. Albania is primarily a transit country for migrant flows en route to the European Union countries which is the final preferred destination of migrants.
5. During 2022, a total of 12,216 irregular migrants were apprehended in Albania. This represents a decrease of 6,280 individuals compared to 2021, when 18,496 irregular foreign citizens were apprehended. Two cities were considered as hotspots, Gjirokastra and Korça, and accounted for the highest number of irregular immigrants detected in the country, making up approximately 85% of all irregular immigrants caught.
6. The trend in the main nationalities of irregular migrants caught in Albania has remained consistent between 2021 and 2022 with the primary nationalities of irregular migrants caught being Syrian (5366), Afghan (1377), Bangladeshi (832), Moroccan (505), Pakistani (339), and Iraqi (305). In 2022, the numbers decreased overall, with the main nationalities being Syrian (3030), Afghan (1325), Bangladeshi (1055), Pakistani (856), Iran (311), and Moroccan (301).
7. Given Albania's strategic geographic location and its neighbouring countries which have experienced substantial migration flows, the prevailing route typically involves entry through southern and south-eastern border points, followed by exit through northern and north-eastern border points, which connect Albania to Montenegro and Kosovo. Less commonly used routes are by using the 'Mother Teresa' international airport and by sea.
8. Migrants tend to traverse through the mountains to avoid detection by law enforcement officials. They usually use rural areas, and it is frequently observed that migrants seek shelter in abandoned houses with poor conditions, utilizing them as temporary lodging before proceeding with their onward journey.

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1 Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime [UNTC](#).



9. In terms of transport, migrants opt for different means of transport offered by smugglers. The most common method *involved using vans allowing multiple migrants to travel together or traveling by taxi*. Other means of transport include use of rented cars or by hiding in lorries even without the awareness of the lorry drivers.
10. Migrants pay considerable amounts of money to smugglers for their services with *payments typically ranging from 100 to 800 euros per person, depending on the level of assistance required*. Overall, migrants have reported *paying between 5,000 and 8,000 euros for the entire route from their country of origin to Albania* or EU member states. In case migrants cannot pay the agreed amount, they are robbed, their personal belongings are taken and they are left behind not allowed to follow the group.
11. Smugglers profile: the primary smugglers have been citizens of Albania, however a notable shift over time is the increase of instances where migrants themselves have become involved in the smuggling operations. As a result, the profile of smugglers has expanded to include individuals from Iraq, Afghanistan, Syria, Algeria, and other nationalities. The average observed age of these smugglers is typically between 30 and 35 years old.
12. It is observed that in Albania smuggling is operated more on an individual basis rather than operating as an organized group. The main role of Albanian smugglers remains coordinating and transporting.
13. Migrants find contacts of smugglers even through social media, however the main contact with smugglers is maintained by the migrants relatives in the EU who facilitates the process for the migrant passing the border and often pays for the service.
14. There have been instances where the police personnel has been involved in assisting migrants with illegal border crossing. Interviews reveal that some members of the police provide assistance to migrants by sharing information about police patrols in specific road segments and even accompanying migrants using police vehicles to facilitate their border crossing process.
15. Among migrants there are few unaccompanied minors. Their origin countries include Afghanistan, Somalia, Syria, Iraq, Palestine, Egypt. According to the police, a significant number of migrants who are categorized as minors are believed to be older than 18 years, however due to the absence of alternative data and reliable identification methods, the authorities are obliged to rely on the statements provided by them.
16. Albania has concluded implementation of the 2019-2022 National Strategy on Migration and Action Plan therefore, one of the future objectives in the field of migration is drafting and implementation of a new national and comprehensive strategic document. Currently work has started towards finalizing the new National Strategy on Migration for 2024-2030 with the support of IOM (International Organization on Migration).
17. Key national stakeholders in charge of migration and combating migrant smuggling are: Ministry of Interior, Department of Migration and Border, Ombudsman, Ministry of Health and Social Protection, Ministry of Justice, Center for Detention of Foreigners, Karec (Closed Center); The National Center for Asylum Seeker.
18. Institutional capacities and challenges:
  - Border and Migration Police have witnessed enhancements and advancements in their logistical and structural capacities however they are faced with current challenges: lack the necessary equipment for border surveillance and where equipment is available there is a need for their modernization to respond to the demand to properly monitor the border. Additionally, the facilities within police agencies where migrants can be temporarily held for a few hours were observed to be in inadequate conditions
  - Permanent trainings modules and structures are needed to respond to the changed dynamics of migration flows in the country, region and EU.
  - The high turnover of border officers should also be addressed by conducting regular and comprehensive trainings for the new staff. The frequent movement and rotation of staff members pose challenges to the continuity of processes and the effective monitoring of procedures, as well as the preservation of institutional memory.

- In the institutional authorities competent for migration, it is evidenced a lack of human resources such as lawyer, psychologist, doctor or translator. Whenever their services are needed, they are called upon in the framework of the collaboration with other institutions.<sup>2</sup> This process can delay the ability to respond to the immediate needs of migrants upon being apprehended therefore it is important for such institutions to expand the staff and include such roles in their organigram.
- From the monitoring, it was observed that there is a lack of cross-institutional cooperation in properly addressing cases of minors especially unaccompanied minors which are one of the most vulnerable categories of migrants.
- The lack of data, data quality and lack of standardization of data from the various state institutions. The collection of data, their categorization and processing hold paramount importance in understanding the migration landscape in the country. Data driven efforts are crucial for taking effective measures, designing appropriate policies and addressing emerging challenges and issues associated with migration.

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2 I.e when minors or potential victims of trafficking are apprehended, the psychologist of the Municipality Child Protection Unit is called and when translation is needed, translators are contracted.

# 1. Introduction

This report represents a comprehensive summary of all the findings that have resulted from all the monitoring activities carried out by the members<sup>3</sup> of the National Platform for the Prevention of Migrant Smuggling and the Protection of Smuggled Migrants in Albania, led by the national coordinator of the initiative, the Albanian Helsinki Committee (AHC) in the framework of the implementation of the initiative “Security for Human Beings and Borders – Fighting Migrant Smuggling in the Western Balkans”.

According to the United Nations<sup>4</sup> definition ‘smuggling of migrants’ shall mean the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident.

The numbers of irregular migrants detected at the border have been constantly increasing, especially after the start of joint operations with Frontex after the entry into force on May 1, 2019 of the “Status Agreement between the Republic of Albania and the European Union on the actions undertaken by the Security Agency” Coast Guard and European Border Guard in the Republic of Albania” ratified by Law no. 6/2019 “On the ratification of the Status Agreement between the Republic of Albania and the European Union on the actions taken by the European Coast Guard and Border Guard Agency in the Republic of Albania”. Frontex data shows that the majority of reported cases of irregular migrants at the EU’s external borders came in the Western Balkans region, mostly by men aged 18-34.

Despite the measures taken to fight irregular migration, this phenomenon has increased and remains present in Albania, which is clearly shown by the statistical data presented by national and international reports. Migrants from third countries mainly enter Turkey and then cross to Greece and, through the countries of the Western Balkans, aim for the countries of the European Union (EU) and mostly the northern ones. One of the directions of their movement is the Albania-Montenegro-Croatia road, and then the EU countries. The route of irregular migrants crossing the Greek-Albanian border is known as the Western Corridor.

In most cases, irregular migrants are in a particular situation of vulnerability due to: the situation in their countries of origin from which they have left, due to difficult conditions, or due to the exploitation and abuse suffered during the journey.

The migrants who arrive in Albania irregularly are mainly people who come from countries that “produce” refugees and asylum seekers. The analysis of changing and increasing trends of population movements from Albania’s neighboring countries dictates the need to strengthen the country’s capacity to receive a greater number of arrivals in its territory. In this context, it remains essential to closely follow not only the dynamics of migratory movements for various reasons, but also early warning signs for the increase in the number of migrants.

## **Note on confidentiality:**

*The statistical data and methodologies outlined in this report are publicly available information. However, it is important to note that specific data concerning the personal details, such as names, entry dates, detention records, and other related information about migrants, are considered confidential and are not disclosed.*

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3 Annex I: Members of the National Platform for the Prevention of Migrant Smuggling and the Protection of Smuggled Migrants in Albania.

4 Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime UNTC.

## 2. Terminology

1. **"Alien"** shall mean a person who, whether a citizen or a stateless person, is not an Albanian national
2. **"Illegal stay"** shall mean the presence in the territory of the Republic of Albania of an alien who does not fulfil or no longer fulfils the requirements for entry stay or residence in the territory of the Republic of Albania
3. **"Application for asylum"** shall mean any statement done by the alien seeking protection or complementary protection in the Republic of Albania, in compliance with the legislation on asylum in the Republic of Albania.
4. **"Refugee"** shall mean any person, qualified as such, in accordance with the legislation in force on asylum
5. **"Unaccompanied minor"** shall mean an alien, minor who enters the territory of the Republic of Albania unaccompanied by an adult who is responsible for him/her 5 and for as long as he/she is not taken under the care of such person, or a minor who is left unaccompanied after that entry to the territory of the Republic of Albania.
6. **"Responsible state authorities"** are state bodies, as well as any other structure under them, which exercise functions in the field of legislation for foreigners, according to the competencies recognized by this law or bylaws for its implementation
7. **Return decision"** shall mean an administrative act or judicial decision of the Albanian authorities which state that the stay of the alien in the territory of the Republic of Albania is illegal, and it rules or declares the obligation for the return of the alien.

# 3. Methodology

Monitoring the situation on smuggling prevention and smuggled migrants in Albania was conducted by taking into consideration all legal acts and by-laws, as well as international standards on information gathering. The methodology of AHC's monitoring aimed at collecting data with regard to the current status of affairs of the migrant smuggling in Albania through different means used for data collection.

To obtain and process such data, AHC and CSOs members of the National Platform used a series of quantitative and qualitative instruments, combined, as follows:

## 1. Official correspondence:

First, to draft this monitoring report, it was taken into consideration data from official correspondence exchanged with the relevant institutions which exercise functions in the fields covered by the legislation for foreigners, according to the competencies recognized by this law or bylaws for its implementation. The requested information from these institutions sought mainly statistical information, respecting the principle of confidentiality, and not violating the personal data of potentially involved migrant.

## 2. Monitoring visits

Members of the National Platform, carried out 13 monitoring visits in the main cross-border points<sup>5</sup> with the greatest number of irregular state border crossings detected, to observe the activities related to migrant smuggling, border operations, infrastructure, the behaviour of border authorities, etc. Additionally, the Platform conducted monitoring visits at the Center for Detention of Foreigners, Karec (Closed Center); The National Center for Asylum Seeker in Babrru.

## 3. Interviews

Members of the National Platform conducted semi-structured interviews with responsible authorities<sup>6</sup> for migrant smuggling, including government officials, security personnel, border agents and migrants themselves when present during monitoring. These interviews focused on understanding the challenges and issues affecting the migrant smuggling, practices, routes, actors involved, modus operandi etc.

## 4. Desk research

AHC and members of the National Platform, analysed the data collected during the research process, including desk research, monitoring visits, and interviews while using a variety of qualitative and quantitative methods to identify patterns, trends, and themes related to the research questions.

The report is not exhaustive but presents a synthesis of the smuggling of migrants and issues and challenges related to them in the territory of Albania. The report consists of three main chapters. The first chapter analyses capacities of institutional authorities on combating migrant smuggling. The second chapter is focused on the migrant smuggling in practice while the third chapter presents the most important findings of this study report and recommendations addressed to the authorities in order to contribute towards improving prevention and protection of migrants against smuggling.

### Limitations of the study:

While the study successfully achieved all the objectives outlined in its methodology, it does have limitations regarding the availability of comprehensive information. During the study's development, limitations were encountered due to the lack of migrants present during monitoring missions, which hindered the assessment of trends and patterns in smuggling activities. Furthermore, the inclusiveness of the categories of migrant women interviewed did not fully align with the general categorization, as only adult men were interviewed, while women, minors, and people with disabilities was impossible to include in the interviews.

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<sup>5</sup> Annex II: List of cross-border points and institutions monitored.

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## 4. Institutional capacities in managing migration and combating migrant smuggling

Migrant smuggling falls within the scope of Chapter 24 of the EU Acquis<sup>7</sup>, which focuses on Justice, Freedom, and Security. It is closely linked to various aspects covered by this chapter, such as irregular migration, border management, Schengen area regulations, EU visa policies, combating human trafficking, and addressing organized crime. As part of the EU accession process, particularly during the initial phase of negotiations encompassing the first Group of Chapters, including Chapter 24, Albania has intensified its efforts to implement necessary reforms and enhance institutional capacities.

EU accession serves as a strategic orientation of Albania for the adoption and implementation of policies in accordance with EU criteria and standards. As part of the negotiation process, the national legislation undergoes a thorough analysis, known as the screening process, to assess its alignment with EU laws. Additionally, the institutional capacities of the country are evaluated to ensure the effective and meaningful implementation of this legislation.

Migrant smuggling is directly linked connected to the comprehensive management of borders, which holds dual significance within the context of EU membership. Firstly, it serves as a prerequisite that must be met to advance the integration process. Secondly, considering that the territory of the Republic of Albania is situated along the external borders of the European Union, integrated border management assumes heightened importance both in terms of adhering to EU policies and standards and due to its geostrategic implications.

Albania has concluded implementation of the 2019-2022 National Strategy on Migration and Action Plan therefore, one of the future objectives in the field of migration is drafting and implementation of a new national and comprehensive strategic document. Currently work has started towards finalizing the new National Strategy on Migration for 2024-2030 with the support of IOM (International Organization on Migration). The new migration policy will aim to:

- Further improvement of the mechanisms set up for the coordination of migration governance and the management of migratory flows that have affected our region and country and are expected to continue in the coming period.
- Compliance of its objectives with the provisions of the Communication of the Commission to the European Parliament and the Council on the EU Strategy for voluntary return and reintegration, dated 27.04.2021 – EUR-Lex – 52021DC0120.
- Developing and implementing a migration governance policy aligned with the Global Compact on Migration (GCM), through a whole-of-government and whole-of-society approach.
- Development and implementation of a migration governance policy harmonized with The National Strategy for Development and Integration (NSDI) 2021-2030.

Recently, the Ministry of Interior has conducted a roundtable focused on the implementation of the previous National Migration Strategy and Action Plan 2019-2022, as well as the vision and the specific objectives of the new Strategy 2024-2030. For the new strategy, the representatives of the Inter-institutional Working Group, will include among others: the need to review the legal basis for labour migration; social/integration services for foreigners/migrants in the Republic of Albania; unaccompanied minors; re-integration of returned migrants; the coordinating mechanism with the local government” etc. The current National Strategy, aligning with the legislation in place, has foreseen concrete competences and responsibilities for key national stakeholder in charge of migration. The second objective of the National Strategy is dedicated to ‘Ensuring safe and orderly migration from, through and to Albania’ with 5 key areas as following:

- Effective control of irregular movement across the border and within the territory of Albania;
- Effective Entry & Stay Policies;
- Effective Return Mechanisms;
- Efficient response to irregular migration of Albanian citizens in EU;
- Management of mix migration flows.

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7 Governing Legislation of EU.

## 4.1. Key national stakeholders in charge of migration and combating migrant smuggling

### **Ministry of Interior<sup>8</sup>**

The Ministry of the Interior plays a crucial role in managing the migration system and maintaining public order and safety in Albania. The ministry is responsible for formulating necessary policies that aim to align, to the greatest extent possible, with the legislation and policies of the European Union. Within the process of European integration, particularly in the context of the negotiations for Chapter 24 (Justice, Security, Freedom) – the Ministry of the Interior plays a pivotal role. The Deputy Minister of the Interior serves as the chief negotiator for this chapter, encompassing various interconnected issues such as irregular migration, migrant smuggling, human trafficking, and the fight against organized crime. To enhance cross-border cooperation, Albania has entered into agreements and protocols with neighbouring countries, including the Republic of Kosovo, Montenegro, North Macedonia, and Greece. These agreements aim to establish Joint Border Crossing Points and facilitate joint border control activities. Additionally, they facilitate the creation and operationalization of Joint Police Cooperation Centers, regulate local traffic regulations, and enable cross-border pursuit, among other objectives.

The National Strategy on Migration and Action Plan has also foreseen concrete measures that need to be taken from the Ministry for a better management of migration and more specifically for migrants through and to Albania. These included but are not limited to: drafting a contingency plan for Albania to manage mixed flows, taking into account the vulnerabilities of populations on the move (such as unaccompanied minors, victims of trafficking, asylum seekers, individuals with disabilities, etc.), and updating it regularly; Conducting information campaigns for migrant's rights and provide information on their main used language on procedures and services provided by different stakeholders in Albania; Strengthen capacities of the judiciary and law enforcement agencies (judges, prosecutors, police, labour inspectors) to detect and properly follow cases of violation of migrants' rights, important to address the challenges with smuggling.

The main bodies under Ministry of Interior supervision responsible for implementing migration policies are the Department of Border and Migration in the ASP General Directorate and the Directorate of Anti-Trafficking and Migration at the Ministry of Interior.

### **Department of Border and Migration in the Albanian State Police General Directorate**

The Border and Migration Department is organized at the central and local level, with responsibility of controlling and supervising the state border, as well as the treatment of foreigners in the territory of the Republic of Albania, in accordance with the legislation in force. In the central level, the department of Border and Migration is organized in general directorates, meanwhile in the local level there are local police directorates.

The local Directorate of Border and Migration, a division within the state police, is responsible for ensuring the security of the state border within its designated area. In accordance with the law, it also oversees the proper treatment of foreigners in Albania and actively combats illegal trafficking, smuggling, and any other criminal activities occurring at the border.

The Border and Migration Police use technical and technological means, automated and electronic identity verification systems, to manage to implement their responsibilities with the aim of preventing any case of persons avoiding border control or crossing the border irregularly or for the detection of criminal offenses.

As per the provisions of Law No. 72/2016, titled 'On border control,' the competencies of the Border and Migration Police are divided into two categories: those pertaining to border control (Article 6) and those applicable within the territory of Albania (Article 7).

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<sup>8</sup> In general, and specifically, the Directorate of Anti-Trafficking and Migration.

Under Article 6, the competencies of the Border and Migration Police at the border primarily involve conducting border control and verifying the identities of individuals. They have the authority to deny entry or exit to foreigners in accordance with relevant legislation and to restrict the exit of Albanian citizens in cases of irregularities stipulated by the law.

Article 7 of Law No. 72/2016 delineates the competencies of the Border and Migration Police within the Albanian territory. These competencies are focused on the prevention, detection, and combat of cross-border crimes, including the illegal entry, transit, or stay of foreigners. They encompass taking appropriate measures to identify and apprehend foreigners who are irregularly staying or transiting through the territory of Albania, conducting interviews and verifications of individuals, items, or means of transportation, and undertaking investigative and procedural actions in cases of criminal offenses related to the border falling under their jurisdiction.

The National Strategy on Migration and Action plan has foreseen very specific competences for the Department of Border and Migration with regard to ensuring proper treatment of migrants through and to Albania. Some of these competences include: improving data management for migrants and creating a common cross-institutional information management system; engaging in the modernization of border management equipment and infrastructure to strengthen border surveillance; improve the infrastructure at border crossing points to properly meet the specific needs of migrants (children, the elderly, people with disabilities, etc.); strengthen the capacities of border management staff by improving their training and ensuring that good practices and European standards of border and migration management and the protection of migrants' rights are followed; increasing capacities of staff to identify vulnerable categories in cases of mixed flows and ensuring the right to a safe and decent housing for populations on the move at the border and within the territory, especially for vulnerable categories such as unaccompanied minors.

## **Ministry of Justice**

According to the National Strategy on Migration, the Ministry of Justice holds certain responsibilities regarding migration management. One of their primary tasks is to provide detained irregular migrants with free legal assistance and reliable information in their native language regarding migration procedures and their rights.

## **Ministry of Health and Social Protection**

To ensure proper health treatment and social protection irregular migrants coming to Albania, the National Strategy had also foreseen specific competences for the Ministry of Health and Social Protection including:

- Ensuring that the legal and institutional framework provides adequate shelter for unaccompanied minors who cross the border illegally
- Identify and addressing obstacles and challenges of access of public services from irregular migrants; in particular, to review the possibilities to provide primary schooling for children of irregular migrants and basic health care for foreigners who do not have fixed status.
- Train the medical staff to improve services to foreigners and migrant workers in the country by better understanding the determinants of relevant health and social risks as well as the impact of their culture on health and diseases.

## **Ombudsman**

As part of the Ombudsman Office, the National Mechanism for the Prevention of torture (NMP), in cooperation with the Directorate of Border and Migration Police and FRONTEX has continued to constantly monitor voluntary and forced repatriation operations of Albanian citizens from EU countries and Schengen zone countries. On the other hand, as part of its mandate to monitor the respect of human rights, the NMP carries out inspections to assess the level of compliance of these rights in the following institutions that can host irregular migrants:

- Center for Detention of Foreigners, Karec (Closed Center).
- The National Center for Asylum Seekers.
- The National Reception Center for Victims of Traffic.



Ombudsman also carries out monitoring missions in cross-border points, however due to limited human and financial capacities, the institution has done so through the implementation of the cooperation agreement with UNHCR in joint projects and has monitored several cross-border points in the south and southeastern area.

## **Center for Detention of Foreigners, Karec (Closed Center)**

The Closed Center for Detention of Foreigners was originally established by the Decision of the Council of Ministers No. 1083, dated 28.10.2009 "On the establishment of the Closed Center and for the approval of the Regulation of its Organization and Operation". The center's aim is accommodating irregular migrants in the territory of Albania, against whom a detention measure has been taken in accordance with the legislation in place. The center is part of the Department for Border and Migration, in the General Directorate of the State Police and is financed through the state budget. The closed reception centre is an administrative facility with a determined security level and confinement, where only aliens subject to an expulsion order from the Republic of Albania are held.<sup>9</sup> During the monitoring mission,<sup>10</sup> foreign migrants were present in the center.<sup>10</sup>

## **The National Center for Asylum Seekers, Babrru**

The National Center for Asylum Seekers, located in Babrru, Tirana, is the only Center designated for the accommodation of asylum seekers in Albania. The Center's main competences are outlined in the Law no 10/2021 'On Asylum in the Republic of Albania'. The asylum seeker, after filing the request for asylum, shall be accommodated in the reception centre for asylum seekers. Even the person whose request for asylum has been refused shall continue to be accommodated at this centre until the end of the appeal procedures or the expiry of the time limits for the appeal. The centre must provide minimum living conditions, including: a) accommodation; b) food; c) health insurance; ç) minimum hygiene conditions. 4. Pedagogical and educational programs, as well as free legal advice, are provided in cooperation with other subjects, private or public, local or foreign, in agreement with the rights of asylum seekers and refugees. As of March 2023, 19 migrants were accommodated in this center. The main nationalities of migrants present during the monitoring visit were Ukraine, Afghanistan, Iraq and Russia. The center was also accommodating 10 minors, one of which was unaccompanied minor.<sup>11</sup>

## **4.2. Institutional capacities and challenges**

The legal framework for foreigners and asylum processes have been updated, however, should continue to align with the new EU regulations and reach a higher level of alignment taking into consideration recent developments, and especially the proper implementation of secondary legislation. On the other hand, further improvements are needed in terms of logistical and structural capacities to proportionally reflect the updates of the legal framework.

According to the Annual Progress Report of the European Commission for Albania published in October 2022, EU has assessed Albania's efforts to fulfil the recommendations of the European Commission in relation to Chapter 24 and more specifically in those sub-fields that affect the phenomenon of migrant smuggling. The smuggling of migrants remains a challenging issue for the Albanian authorities. This is mainly due to technological tools and mechanisms needed for border surveillance, as well as dedicated human resources and increased capacities of existing resources. Hence, European Commission recommends that the investigative skills of the State Police and more specifically of the Department on Migration and Border should be improved and strengthened, in order to identify and prevent cases of migrant smuggling. Another recommendation issued by the EU is that the fight against organized crime should continue, where cooperation with EU Member States and EU agencies should be strengthened including Europol and Eurojust.

According to the National Plan for EU integration for the period 2023-2025, there are several areas where the Albanian authorities and more specifically the Ministry of the Interior and the Border and Migration Police have made progress in recent years taking into consideration the recommendations issued for Albania within

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<sup>9</sup> Article 114, Law no. 79/2021 'On Aliens'.

<sup>10</sup> Monitoring report – AID.

<sup>11</sup> Monitoring report – CLCI.

the process of European integration, but also the developments related to the management of irregular migration in the country, as well as the increasing cases of smuggling of migrants in Albania.

Thus, Border and Migration Police have witnessed enhancements and advancements in their logistical and structural capacities. Several factors have contributed to these improvements, including the sharing of knowledge, adoption of best practices from EU countries and adherence to Schengen area standards. Furthermore, trainings and cooperative efforts with member states and EU agencies such as Frontex, participation in international operations, and European financial assistance for the development of logistical and professional capabilities have also played a significant role in this progress.

However, as stated in the EC 2022 Progress report<sup>12</sup> and observed during monitoring visits in several border points and police stations, Border and Migration Police officers should increase their capacities in many directions. First, it is necessary for the staff at the border to have the necessary skills to identify migrants and refugees with specific needs and provide adequate help. Currently, identification of potential victims is insufficient, especially for unaccompanied children.

Additionally, it was observed that institutions lack the necessary equipment for border surveillance and where equipment is available there is a need for their modernization to respond to the demand to properly monitor the border. Police vehicles needed for the transport of migrants to the relevant institutions as needed (shelters, reception centers, hospital etc) either are lacking or are in poor conditions. Therefore, there are instances where police officers use their own personal cars to transport migrants accordingly. Additionally, the facilities within police agencies where migrants can be temporarily held for a few hours were observed to be in inadequate conditions. The reception centers, where migrants are detained for extended periods, also experience substandard conditions. Hence, during monitoring mission in Karec, was observed concerning physical conditions in some facilities of the reception center, such as the interview/meeting room, isolation rooms and corridors, were damp and in poor conditions. Rainwater was observed seeping into the interior spaces through the ceilings during the monitoring visit. Additionally, due to the deterioration of the hydro sanitary equipment, the women's toilets were out of order. As a result, it had become customary for women to use the men's toilets while being supervised by female staff. Additionally, none of the institutions in charge to manage migration have dedicated facilities for minors.

In terms of human resources and capacities, there have been conducted different trainings and joint exercises key border officers. Nonetheless, permanent trainings modules and structures are needed to respond to the changed dynamics of migration flows in the country, region and EU. Additionally, the high turnover of border officers should also be addressed by conducting regular and comprehensive trainings for the new staff regarding legal provisions, procedures to be carried out for different categories of foreigners coming in Albania as well as rights of migrants, especially those in vulnerable conditions. As highlighted in the EU progress report, the frequent movement and rotation of staff members pose challenges to the continuity of processes and the effective monitoring of procedures, as well as the preservation of institutional memory. Moreover, these frequent staff movements hinder individuals from specializing in a specific field and making significant contributions due to the constant reassignments.

Lack of human resources to respond to the needs when apprehending migrants remains challenging as well<sup>13</sup>. Many cross-border points and police stations, lack staff such as lawyer, psychologist, doctor or translator. Whenever their services are needed, they are called upon in the framework of the collaboration with other institutions<sup>14</sup>. This process can delay the ability to respond to the immediate needs of migrants upon being apprehended therefore it is important for such institutions to expand the staff and include such roles in their organigram.

Anti-trafficking efforts from Albanian authorities should increase, in particular by strengthening the child protection system. From the monitoring, it was observed that there is a lack of cross-institutional cooperation in properly addressing cases of minors especially unaccompanied minors which are one of the most vulnerable categories of migrants.

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12 [\\*Albania Report 2022.pdf \(europa.eu\)](#)

13 According to the report of the European Commission, the total number of employees of the Border Police and Migration Department is 1,663 employees.

14 I.e when minors or potential victims of trafficking are apprehended, the psychologist of the Municipality Child Protection Unit is called and when translation is needed, translators are contracted.

As per other migrant categories, management becomes especially challenging due to the lack of data, data quality and lack of standardization of data from the various state institutions. The collection of data, their categorization and processing hold paramount importance in understanding the migration landscape in the country. Data driven efforts are crucial for taking effective measures, designing appropriate policies and addressing emerging challenges and issues associated with migration.

In Albania, there doesn't exist a monitoring system or specialized authority to supervise and evaluate the procedures for the treatment of foreigners, paying attention to vulnerable cases such as irregular migrants, smuggled migrants, asylum seekers or victims/and potential victims of trafficking. Although structures such as the Ombudsman or the Commissioner for Protection from Discrimination carry out their responsibilities in relation to cases of rights violations and discrimination, it has been assessed as more effective to have a more specialized authority or structure to handle, monitor and assess these cases.

In accordance with the General Director of the State Police's Order No. 1009, dated 24.08.2022, a working group has been established within the Department for Border and Migration. This group's purpose is to draft an Investigation Structure that will enhance the department's investigative capabilities, particularly in detecting cases related to people smuggling and human trafficking. To effectively address each case, it will be necessary to invest in capacity building, training, and the utilization of advanced techniques and best practices. While there have been positive developments in border cooperation with neighboring countries, European Union member states, and relevant agencies, given the dynamic and complex nature of migrant smuggling cases and the rise of such cases in Albania, it is crucial to intensify, expand, and concretize this cooperation. This can be achieved through increased joint operations, the implementation of additional cooperation agreements to enhance territorial control, and the prevention and combat of cross-border crime.

Moreover, it is essential to emphasize the significance of coordination and collaboration among the authorities responsible for managing migration in order to enhance the prevention and identification of migrant smuggling. Presently, these pertinent institutions often limit themselves to fulfilling their obligations and roles without actively reaching out to other institutions that may be involved in subsequent stages of addressing the case. To ensure the efficient implementation of specific measures, it is imperative to establish a unified and cohesive migration-management system where all stakeholders work together as a unified entity, clearly delineating their duties and responsibilities.

To enhance collaboration and concerted efforts, it is essential to foster closer partnerships and cooperative measures with neighbouring and bordering countries like Kosovo, Montenegro, North Macedonia, and Greece. Additionally, it is crucial to strengthen cooperation with Frontex, the European Border and Coast Guard Agency. The implementation of various agreements and protocols pertaining to border cooperation with neighbouring countries leads to an upsurge in joint operations, patrols, and the establishment of collaborative structures along the borders shared by these nations. It is worth noting that Albania was the first country in Western Balkans, who signed the memorandum of collaboration with Frontex in 2019, initiating the first joint mission between Frontex and a non-EU member state, establishing a good cooperation with European institutions in conducting land and sea operations, with the ultimate goal of preventing and apprehending foreign nationals involved in illegal immigration.

## 5. Migrant smuggling – a view from the practice in Albania

Similar to other countries in the Western Balkans, Albania has also been affected by different flows of movement of migrants and refugees. Albania has been mainly a transit point for migrants attempting to reach countries in the European Union. In recent years, there has been an increase in migration waves, accompanied with potential smuggling of migrants transiting through Albania. Migrants from Middle East, African, and Asian countries have been crossing the Albanian border illegally, often with the help of smugglers, less through the sea and air and more making their way from the southern border points to northern borders as their final exits. On the other side, the Albanian government has increased its efforts to combat migrant smuggling and border control, but given current institutional capacities, the situation remains challenging. Concerns are raised also regarding treatment of migrants and refugees in Albania, including reports of violence, abuse, and exploitation, mainly by smugglers and very few reported cases of involvement of state officials, i.e. police.

With the new Official Statistics Program (2017-2022), statistical data related to migrants and refugees are centralized for a better cross-institutional cooperation. For this program, data on foreigners is provided by the Department for Borders and Migration, while data on asylum seekers and citizenship is provided by the Ministry of Internal Affairs.

From the official data provided by the relevant institutions, the categories of foreigners arriving in Albania include, among others, refugees and asylum seekers, migrants, victims of trafficking, unaccompanied and separated minors, as well as stateless persons. Some of them are part of more than a single category. They are of different nationalities. Most are Syrians and Afghans and often enter the country irregularly. These individuals are typically in a highly vulnerable situation due to the challenging circumstances they faced in their countries of origin, such as difficult living conditions or the exploitation and mistreatment they endured during their journey.

Albania is primarily a transit country for migrant flows en route to the European Union. However, due to various factors like political stability and economic crises, Albania has increasingly become a destination or temporary host country for foreigners. As a result, it is crucial to properly manage and control these flows to ensure effective protection for migrants.

### 5.1. Profile of irregular migrants entering and leaving Albania

**Table 1: Irregular migrants in Albania**

2021		2022	
18,496		12,216	
First time	Recidivist	First time	Recidivist
10,062	8,434	8,335	3,881

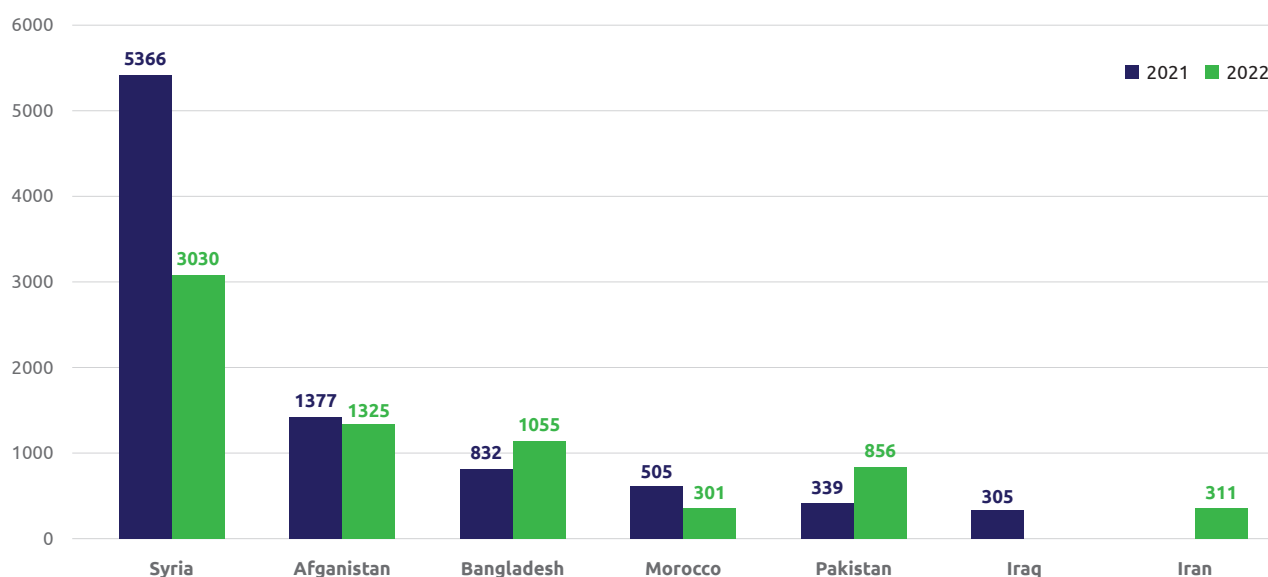
During 2022, a total of 12,216 irregular migrants were apprehended in Albania, of which 8,335 were first-time offenders and 3,881 were recidivist. This represents a decrease of 6,280 individuals compared to 2021, when 18,496 irregular foreign citizens were apprehended, with 10,062 being first-time offenders and 8,434 recidivists. The decrease is attributed mainly to the implementation of more rigorous preventive and enforcement measures by the Albanian border police and FRONTEX.

In 2022, two cities in the south and south-east of Albania were considered as hotspots, Gjirokastra and Korça, and accounted for the highest number of irregular immigrants detected in the country, making up approximately 85% of all irregular immigrants caught.

**Table 2: Hotspots**

2021	2022
89,8%	85%
Korçë & Gjirokaštër	Korçë & Gjirokaštër

The trend in the main nationalities of irregular migrants caught in Albania has remained consistent between 2021 and 2022, although the numbers of irregular migrants from certain nationalities were higher in 2021. In 2021, the primary nationalities of irregular migrants caught were Syrian (5366), Afghan (1377), Bangladeshi (832), Moroccan (505), Pakistani (339), and Iraqi (305). However, in 2022, the numbers decreased overall, with the main nationalities being Syrian (3030), Afghan (1325), Bangladeshi (1055), Pakistani (856), Iran (311), and Moroccan (301).

**Figure 1: Irregular migrants' nationality**

## 5.2. Modus operandi of migrant smuggling in Albania

### Smuggling routes

Given Albania's strategic geographic location and its neighbouring countries such as Greece and North Macedonia, which have experienced substantial migration flows, migrants tend to adopt diverse routes when entering and departing Albania. The prevailing route typically involves entry through southern and south-eastern border points, followed by exit through northern and north-eastern border points, which connect Albania to Montenegro and Kosovo. While the primary objective for most migrants is to reach European Union countries, there have been fewer instances where Albania has hosted long-term migrants. This is also reflected in the cross border points used by migrants to enter and leave the Albanian territory.

The primary cross-border points for entering Albania are concentrated in the south, near Gjirokaštër, southeast near Korca, and southwest near Saranda. Similarly, to exit the country, migrants predominantly utilize border points in the northwest vicinity of the city of Shkoder, such as Muriqan and Hani i Hotit, which connect Albania to Montenegro. Additionally, the most frequently used route in northeast is through the Morina cross-border point connecting Albania with Kosovo. Less commonly used routes involve sea and air travel. It is worth noting that the 'Mother Teresa' International Airport in Tirana has witnessed a limited number of cases in which migrants attempted to deceive border police by using forged documents such as passports, identity cards, and visas. For example, in 2022, there were recorded instances of 51 migrants employing forged documents to cross the border. These cases primarily involved individuals who arrived in Albania via various airline routes from Middle East countries and intended to exploit Albania's flight connections to reach EU countries by air.

According to an extensive analysis of data and records concerning the detention of migrants, a clear pattern emerges that the tourist season witnesses the largest and most frequent surge of migrants.

During their journeys through the country, it is common for migrants to make an either long or short stop in the capital city, Tirana, for various reasons. Tirana provides access to key institutions where migrants can seek protection or apply for asylum. Applications for protection or asylum are mainly used by migrants to legitimate their temporary stay in Albania, while they prepare to continue their journey. Therefore, the procedures for obtaining asylum status are rarely finalized. Additionally, the capital offers a wide range of services that may be unavailable in other cities, including those provided by smugglers.

In the interviews with migrants found during monitoring missions, it was noted a hesitancy from them to disclose details around the operations and support they had from smugglers. Nevertheless, some of the data obtained from them concerning the methods employed during these operations matched.

When attempting to cross the border (entering or leaving the country), migrants and institutional representatives acknowledged a common practice among migrants to traverse through the mountains in order to avoid detection by law enforcement officials. While their routes are usually through rural areas, it is frequently observed that migrants seek shelter in abandoned houses with poor conditions, utilizing them as temporary lodging before proceeding with their onward journey.

## Smuggling services, operations, and cost

Smugglers in Albania offer a range of services to vulnerable migrants, with the most usual one being assistance for illegal crossing of borders. The main illegal services that are provided to migrants with the purpose of illegally entering the country without being its citizen or without residence permit are sheltering, accompanying, or putting at their disposal or use of means of transport.



In terms of transport, migrants opt for different means of transport offered by smugglers. The most common method *involved using vans allowing multiple migrants to travel together or traveling by taxi*. There are instances where specific smugglers exclusively handle the whole transit process throughout Albania while in other cases migrants might use different smugglers to be transported through different segments of their route. For example, migrants may employ a specific transportation method from the southern border points to Tirana and then switch to different means of transport for the rest of their journey to northern border points where they leave the country. When using these methods of travelling, the safety of migrants is often at risk. There have been instances where the number of passengers in vans or cars exceeds the permitted capacity as well as car crashes and incidents following increased speeding from drivers to avoid potential police prosecution.

The means of transportation have evolved over time as well. Recently, there is an increased tendency of *renting smaller cars to travel across the country*. Smugglers can transport migrants with the rented car themselves, thus avoiding confiscation of the vehicle, but also camouflaging the operations by changing various cars. Alternatively, due to the lack of required documents for renting a car, smugglers often demand payment from migrants in exchange for renting a car on their behalf. Law enforcement authorities are aware of this emerging method of transportation, and they have already expressed their concerns to businesses operating in the car rental industry, to raise their awareness about these activities.

The riskiest method of transportation employed during migrant smuggling continues *to be the use of lorries*. Migrants often hide in the rear compartments of lorries carrying goods, with the help of lorry drivers, in an effort to illegally cross borders. However, there have been also instances when migrants themselves choose to hide in hazardous areas of the lorry, particularly when the driver is unaware of their presence.

In terms of payments, interviewed migrants and the institution's representatives acknowledge that migrants must pay with money for the services provided by smugglers. No other payment method has been observed during the monitoring missions. The amount of payment depends on the specific service requested and the agreement reached between the smugglers and the migrants or their families. For services within Albania, which include mainly transport across the country, *payments typically range from 100 to 800 euros per person, depending on the level of assistance required*. Overall, migrants have reported *paying between 5,000 and 8,000 euros for the entire route from their country of origin to Albania*. Payments are usually made in cash at the time when migrants receive the service or are facilitated by family members or relatives upon receiving evidence of the migrants' location. Money transfer agencies such as 'MoneyGram' are commonly utilized for these payments.

### 5.3. Migrant smugglers

Smugglers in Albania offer a range of services to vulnerable migrants, with the most usual one being assistance for illegal crossing of borders. In the Albanian legislation, the criminal code includes specific provisions for the help to cross the border illegally. The article 298 of criminal code provides that *'Sheltering, accompanying, putting at the disposition or use of means of sea transport, air transport or other means of transport, with the purpose of assisting in the illegal crossing of the borders of the Republic of Albania or in the illegal entrance of a person in another country without being its citizen or without residence permit for that country, is punished with imprisonment of from one to four years.'*

During the monitoring missions, migrants have acknowledged that they have benefited from the services provided by smugglers throughout their entire journey including in Albania. Their testimonies indicate that there is a cross-country collaboration of smugglers given that smugglers who have helped them were of different nationalities and there have been occasions when smugglers in other countries, i.e Greece or Turkey, put them in contact with people who could assist them with different services in Albania or other countries.

Smugglers establish connections with migrant families residing in EU countries. The selection of smugglers is usually based on previous experiences or the connections of their family, friends or relatives, who have immigrated to EU countries and have used the services of these smugglers before. In some cases, the relatives of migrants, take charge of organizing various necessary services for migrants along their journey and even pay smugglers for their assistance.

The smugglers meticulously coordinate every aspect of the migrants' journey, providing them with instructions on the necessary actions to take. If a smuggler is apprehended, the plans undergo a transformation, and the subsequent course of the journey is adjusted in response to the situation. Smugglers usually do not cross the border with the migrants but use local guides to continue their journey. Smugglers orient migrants by teaching them paths as they prefer not to put themselves at risk during the crossing.

Migrants that were interviewed during monitoring missions, declared that they find contacts of smugglers even through social media. Technology has simplified smuggling as smugglers advertise their service on social networks, and migrants keep contacts with smugglers through Whatsapp or Viber but also by purchasing online applications which are installed to access migration routes through videos and photos shared by smugglers.

## Smugglers profile

Traditionally, the primary smugglers have been citizens of the destination country, i.e Albania, providing the required services for migrants. However, a notable shift over time is the increase of instances where migrants themselves have become involved in the smuggling operations, collaborating with smugglers in Albania offering different services to fellow migrants seeking to cross the border.<sup>15</sup> As a result, the profile of smugglers has expanded to include individuals from Iraq, Afghanistan, Syria, Algeria, and other nationalities. The average observed age of these smugglers is typically between 30 and 35 years old.

The Criminal code in Albania includes specific provision where smugglers operate in collaboration with others. In this case the sentence is from five to 10 years imprisonment. Typically, smugglers operate as part of a larger unsophisticated group, maintaining connections within the extensive network throughout the entire journey, starting from the country of origin and continuing at various locations along the migrants' journey. Within the migrant group, there are cases of individuals who take on the role of smugglers, responsible for facilitating communication and providing leadership throughout the group's journey from one country to another.

From the testimonies of migrants and representatives of authorities, it is observed that in Albania smuggling is operated more on an individual basis rather than operating as an organized group. The main role of Albanian smugglers remains coordinating and transporting.

Local citizens can also take the role of local guides when migrants pass through their city. As guides, their role is limited to providing advice to migrants on how to locate taxi drivers who can transport them according to their planned itinerary. These taxi drivers are not chosen randomly but are specifically involved in facilitating the illegal border crossing of migrants by accompanying or transporting them. Additionally, while there may be instances where migrants utilize hotels, motels, or rented houses, the most commonly employed method of accommodation is occupying abandoned houses to minimize arousing suspicions.

According to interviews conducted with representatives from the Local Prosecutor's Office in Kukes, located near the border with Kosovo, only for this district during 2022 there were 19 cases that resulted in prosecutions related to aiding the illegal crossing of the border. *All individuals involved in these cases were Albanian.* The criminal offenses were in accordance with Article 298 of the Criminal Code. Out of the 19 cases processed in 2022, 3 cases were transferred for non-compensation, 2 cases were closed due to lack of evidence, 10 cases were brought to court, and 4 cases are still under investigation.

In addition to smugglers, the involvement of police personnel in assisting migrants with illegal border crossing is also concerning. Interviews with representatives of authorities reveal that some members of the police provide assistance to migrants by sharing information about police patrols in specific road segments and even accompanying migrants using police vehicles to facilitate their border crossing process.<sup>16</sup>

For members of state authorities, in this case Police, article 298 of the criminal code for 'Assistance for illegal crossing of borders' provides that '*When the criminal crime is committed through the utilization of a state function or public service, the punishment of imprisonment and the fines are increased by one fourth of the punishment given.* Furthermore, as civil servants, while engaging in illegal activities of helping irregular migrants, police officers can be subject to many other criminal offenses, such as '*Abuse of office; Theft through abuse of office*<sup>17</sup>', '*Passive corruption by persons that exercise public functions*<sup>18</sup> etc. Involvement of police officers in smuggling migrants raises significant concerns about the integrity and effectiveness of law enforcement in addressing illegal migration.

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15 [Pakistanezë të përfshirë në kontrabandimin e migrantëve nga Greqia drejt Shqipërisë \(zeriamerikes.com\)](#)

16 [Procedohen dy policë të kufirit në Sarandë, i morën ryshfet një emigranti – Euronews Albania](#)

17 In cases where they take personal belongings of migrants.

18 In cases where they demand or get payments for their help.



## 5.4. Smuggled migrants

During 2022, a total of 12,216 irregular migrants were apprehended in Albania. The majority of these migrants find themselves in highly vulnerable situations, often stemming from the difficult circumstances in their countries of origin or the exploitation and mistreatment they have faced during their journey. As a result, they are in a precarious position when it comes to smugglers, who can take advantage of their vulnerabilities for personal gain.

Assistance from smugglers is rarely offered for free. Migrants are obliged to pay them the agreed amount for their services. Nevertheless, there are instances where migrants may find themselves unable to fulfil their financial obligations towards the smugglers. In such cases, both representatives from monitored institutions and interviewed migrants have confirmed that when migrants are unable to pay, the smugglers resort to robbing them and taking their personal belongings. In cases smuggled migrants are organized in groups led by a smuggler-migrant, and when a migrant is not able to pay for the service, he is usually left behind and is not allowed to follow the group.

From the monitoring it was observed that in terms of used violence, smugglers often use psychological or verbal violence rather than physical violence. This can be attributed to their fear of migrants reporting the physical violence to the authorities. Therefore, the main mean smugglers use is by threatening and forcing migrants not to talk about whatever happens to them.

These trends are also confirmed by state authorities. According to the border directorate representative in Korce, there have been reported at least two cases where migrants claimed to have been threatened and had their money and phones confiscated by smugglers. However, it was observed that there are no records of any legal actions being taken against these smugglers.

### Unaccompanied minors

Unaccompanied minors are the most vulnerable group among smuggled migrants. Preliminary data from the period 2019-2022 indicates that more than 2000 unaccompanied minors have entered Albania. However, currently, none of these minors remain in the country, and the Albanian authorities have not been able to safely return them to their country of origin because they usually escape and continue their journey onwards. All identified unaccompanied minors have been males. Their origin countries include Afghanistan, Somalia, Syria, Iraq, Palestine, Egypt.

Monitoring for unaccompanied minors' trends and patterns was focused in two of the biggest crossing border points in the south of Albania: Kapshtice and Kakavije, which are also the crossing border points facing the biggest flux of irregular migrants.

Crossing border point	Year	No of unaccompanied minors
Kakavije	2019	No information
Kakavije	2020	No registered cases
Kakavije	2021	13 unaccompanied minors
Kakavije	2022	19 unaccompanied minors
Kapshtice	2019	No registered cases
Kapshtice	2020	19 unaccompanied minors
Kapshtice	2021	8 unaccompanied minors
Kapshtice	2022	13 unaccompanied minors

Interviews conducted with state authorities responsible for handling cases involving unaccompanied minors confirm a similar pattern as adult migrants regarding the routes and services provided by smugglers and utilized by these minors. Nonetheless, authorities don't have verified information on the concrete smugglers operations or how do unaccompanied minors come in contact with smugglers for their services.

Unaccompanied minors also consider Albania primarily as a transit country to reach EU countries, especially to reunite with their families residing there.

According to the police, a significant number of migrants who are categorized as minors are believed to be older than 18 years. Nevertheless, due to the absence of alternative data and reliable identification methods, the authorities are obliged to rely on the statements provided by these individuals. It is frequently suspected that migrants claim to be under 18 years old in order to access the special treatment and protections granted to minors.

## 5.5. Collaboration with competent authorities

Although migrants may experience acts of violence, robbery, threats, or the use of force, it is often observed that legal proceedings are not initiated against smugglers or perpetrators. This can be attributed to various factors, such as fear, lack of awareness on how to report such incidents, or a reluctance to report them due to the migrants' intention of utilizing smuggling services to reach European Union countries via Albania. Based on the field data, it is evident that migrants are typically not engaged in criminal proceedings. This is primarily due to the lengthy nature of such procedures, particularly if they involve court appearances. By the time migrants are summoned by the court, there is a high likelihood that they have already left Albania.

Smugglers and their operations are typically detected through direct observation<sup>19</sup>. From the field data, there was only one reported case where an irregular migrant filed a complaint against two police officers<sup>20</sup> who had stolen his money and cell phone. Subsequently, both officers were apprehended and charged with criminal offenses, specifically "Theft through abuse of office"<sup>21</sup> and "Passive corruption by persons exercising public functions."<sup>22</sup>

Therefore, no cases were found where organizations facilitated migrants in initiating legal proceedings against their smugglers. Instead, NGOs primarily offer assistance such as free legal aid for asylum procedures, support during the return process, assistance in appealing decisions related to their requests, provision of humanitarian aid, and psychological support. NGOs play a crucial role in supporting cases involving minors (including unaccompanied minors) and women who may be vulnerable to trafficking and exploitation. NGOs are primarily involved after migrants are apprehended, while with regard to prevention of smuggling the main role of NGOs is mostly focused on raising awareness on the risks and also legal responsibility of smugglers for illegal activities.

## 5.6. The practice of prevention of smuggling and protection of smuggled migrants

Albania has implemented a range of measures to address the issue of migrant smuggling. These measures encompass both preventive actions and protective measures aimed at mitigating the problem. This is provided as a concrete tool to achieve the specific objective in the National Strategy on Migration and Action Plan 2019–2022.<sup>23</sup> Currently, the Albanian institutions are working to adopt the new national strategy on migration. The strategy has foreseen as a specific objective (B) for relevant authorities to ensure safe and orderly migration from, through and to Albania. The measures foreseen would contribute to increased detection of irregular migrant at the border and in Albania's territory as well as better identification of categories that are vulnerable to smuggling as well through pre-screening procedures and referred to protection services.

Contingency plan: As a preventive measure, in line with the National Strategy on Migration and the Action Plan for 2019–2022, the Contingency Plan was adopted, to provide support during mix massive migratory flows, while paying special attention to vulnerable individuals, such as: unaccompanied minors, victims of trafficking, asylum-seekers and persons with disabilities. The emergency plan aims to guarantee the rights of

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19 Flagrance\*.

20 [Arrestohet një punonjës policie në Qafë Botë, një tjetër procedohet: I vodhi paratë dhe telefonin një pakistanezi – Saranda News](#)

21 In cases where they take personal belongings of migrants.

22 In cases where they demand or get payments for their help.

23 [https://mb.gov.al/ep-content/uploads/2021/02/Strategjia-Kombëtare-për-Migracionin-dhe-Plani-i-Vepimit\\_2019-2022.pdf](https://mb.gov.al/ep-content/uploads/2021/02/Strategjia-Kombëtare-për-Migracionin-dhe-Plani-i-Vepimit_2019-2022.pdf)

asylum-seekers and emigrants and provide for their safety, through screening and processing of data, delivery of services and assistance during displacement, evacuation, accommodation in emergency situation, food, healthcare and psycho-social services.

**Institutional capacities:** As a measure of both prevention and protection, the need for institutional capacities is highlighted. Albanian authorities have committed to continuous improvement of infrastructure at the country's borders and within territory in order to strengthen migration control while safeguarding migrants' rights. Modernisation of border management equipment and infrastructure to strengthen border surveillance is another way that contributes to increased detected cases of smuggling. Additionally, with the help of partners like Ombudsman, UNHCR, IOM, Albanian authorities have produced leaflets/brochures on the pre-screening process and migrants' rights produced and disseminated at border crossing points to guarantee the right to obtain information on the phases of the pre-screening process and migrants. Albania has also adopted the National Strategy against Organized Crime and Serious Crime 2021-2025 and its Action Plan 2021–2022 (2020) to combat human trafficking. These strategies and their action plans aim *"to ensure that the Albanian government and all state and non-state actors are committed and dedicated to preventing and combating human trafficking and ensuring the protection of individuals and groups in need from trafficking. The main activities include raising the awareness of relevant institutions as well as private companies to identify the risks of trafficking, adopting or changing laws and regulations, and training professionals who work with victims of trafficking, including women, men and children. The strategy explicitly mentions migrants within its objective to ensure "training of border and migration police officers, customs officials, asylum officials and personnel of reception centers and shelters to increase capacities for identifying victims of trafficking between asylum seekers, migrants and unaccompanied children"*.

**Processes and tools:** Entry and stay processes and procedures serve as effective instruments for the prevention and reduction of irregular migration and potential smuggling of vulnerable migrants. Therefore, Albanian authorities regularly monitor the effectiveness of standard procedures in place for the verification of the purpose of entry and stay at all stages and minimise cases of irregular stay and transit by checking on the legality of stay, taking measures when violation of legality of stay has been proved and by providing migrants information on the above.

Other preventive measures from institutions in charge of managing migration include:

- Raising awareness among migrants about the consequences of illegal border crossings and the associated risks related to smuggling.
- Strengthening partnerships with local and international non-governmental organizations to assist vulnerable migrants by offering a range of services, including information dissemination and support throughout legal proceedings.
- Developing and enhancing mechanisms and procedures to respond effectively to the threats of smuggling and human trafficking, with a specific focus on vulnerable groups.
- Promoting public awareness, especially within communities residing near border points where smuggling is a major concern, about the risks associated with smuggling and human trafficking, and encouraging individuals to take action by reporting such activities if they come across them.
- Enhancing collaboration and knowledge-sharing with neighbouring countries on the risks and tactics of smuggling and human trafficking, ultimately leading to the detection of more cases.

## 6. Annex: Proposal for collaboration between CSOs and competent authorities – National Standard Operating Procedures (NSOPs)

Collaboration between competent institutions and civil society organizations (CSOs) is of paramount importance in order to boost effectiveness, transparency, and accountability in the joint efforts aimed at tackling migrant smuggling issues and upholding migrants' rights.

Taking into account the role of Civil Society Organizations (CSOs) in Albania in supporting both competent institutions and migrants, as well as the existing legal framework that outlines their involvement, this proposal aims to formalize the collaboration between CSOs and government authorities. The primary objective is to establish Standard National Operating Practices (NSOPs) within the country. These SOPs are designed to promote and ensure efficient cooperation and coordinated responses when addressing challenges related to the protection and assistance of smuggled migrants.

The standard operating practice is firstly formalized through a Memorandum of Understanding between authorities in charge of migration<sup>24</sup> and CSOs or the network of CSOs involved in the protection of human rights, particularly focusing on safeguarding the rights of migrants. This MOU serves as the foundational document for defining the terms, responsibilities, and collaboration framework between the government authorities and the CSOs.

### Priority Areas

The collaboration between the parties includes but is not limited to:



**Information sharing and data exchange**



**Capacity building and training**



**Support services for migrants**



**Coordination of efforts**



**Awareness raising**



**Monitoring and evaluation**

### Information sharing and data exchange

**Objective of information sharing, and data exchange** is to promptly address the identified issues related to the migrant, as well as collate the information in a centralized location for future planning and response.

**Means of information sharing and data exchange** include statistical data, regular meetings, reports, briefings, interviews minutes with migrants, information exchange platforms etc.

Parties to the MoU commit to sharing information and data on migrants, smuggling and human trafficking on a quarterly basis. Data sharing should respect legal and ethical considerations regarding data privacy and confidentiality.

In case of migration flows, the frequency of information sharing is adjusted to occur on a monthly basis.

For identified cases for support, information is shared promptly by government authorities and CSOs outlining the request for support from both parties.

<sup>24</sup> Ministry of Interior and related state agencies.

## Capacity building and training

**Objective of capacity building and training** is to enhance the skills, knowledge, and resources of the government authorities in charge of migration to perform their duties more effectively and efficiently, make informed decisions, and adapt to evolving needs within their jurisdictions.

**Means of capacity building and training include:** Workshops and seminars, on-the-job training and coaching, study tours and field visits, exchange programs with local, regional and international counterparts, conferences and conventions.

Government authorities in charge of migration will assess, identify and present the needs for the training of the personnel involved with migration to CSOs on an annual basis. This aims to elevate the technical and professional proficiency of these individuals, ensuring the full protection and respect of the freedoms and rights of individuals, particularly vulnerable groups, who are crossing borders.

CSOs should integrate needs for capacity building of the personnel in their programs and address the demand for capacity building through fundraising.

The parties involved will work together to create training programs and curricula that will be incorporated into the standard training for both new and existing staff members who are engaged in working with migrants.

## Support services for migrants

**The objective of support services for migrants** is to provide comprehensive assistance, protection, and resources to migrants in order to address their unique needs and challenges.

**Means of providing supporting services for migrants include** protection, basic needs, legal assistance, psychosocial support, healthcare, sheltering, translation etc.

The parties to the MoU commit to increase collaboration in cases support services are needed.

The government authorities identify the cases of migrants, vulnerable groups, victims of smuggling and trafficking and assess the need for necessary services. Upon identification, the government authorities contact the list of CSOs that provide similar assistance to the needed support providing the specific contribution from CSO to ensure the rights of the migrants involved are respected. This collaboration aims to create a coordinated and comprehensive response to the needs of migrants in distress.

Civil Society Organizations (CSOs) are expected to promptly provide the required support as soon as possible, and they should communicate in writing regarding their role and specific contribution in offering a specific service to the government authorities.

Government authorities will ensure all the necessary permissions for CSO members to access immediately all the closed and open facilities where migrants are held to provide support.

## Coordination of efforts

**The objective of coordinating efforts** between Civil Society Organizations (CSOs) and government authorities to respond to issues related to migration smuggling and trafficking is to create a collaborative, comprehensive, and effective approach to combat these activities and support victims.

**Means of coordination of efforts include:** joint events related to challenges and solutions of issues of migrant smuggling and trafficking, joint task forces to monitor the border situation, etc.

The government authorities will include CSOs in roundtable discussions to address key issues related to migration and consultation meetings on the adoption of policies, strategies and legislation related to migration, smuggling and trafficking.

CSOs will consult with the government authorities on findings during their work with migrants, vulnerable groups and victims of smuggling and trafficking before information is published, to make sure stakeholders are informed.

Both parties appoint a designated point of contact responsible for facilitating the coordination of efforts on both sides. These coordination officers serve as primary liaisons to ensure effective communication, collaboration, and the smooth exchange of information and resources.

## **Awareness raising**

**The objective of awareness raising is** to increase public awareness and understanding of the dangers, risks, and consequences associated with migrant smuggling. This includes informing individuals about the tactics and deceptive practices used by smugglers. Awareness raising is crucial to provide potential migrants with information about their rights, legal migration options, and the risks of engaging with smugglers. This empowers them to make informed choices and avoid becoming victims.

**Means of awareness raising include:** Awareness campaigns, printed materials (leaflets, brochures, posters, flyers), events, media etc.

Government authorities identify the need for awareness raising materials, scope of content and targeted audience.

CSOs provide ad hoc promotional materials based on the demand of the government authorities addressing the needs of the targeted audience in terms of the language used and information regarding their rights and procedures to migrate to the country legally.

## **Monitoring and evaluation**

**The objective of monitoring and evaluation is** to assess the progress, effectiveness, and impact of the actions undertaken by the government authorities in implementing regulatory framework related to migration and safeguarding migrants rights.

**Means of monitoring and evaluation:** thematic and ad hoc monitoring missions, interviews, data collection, surveys and questionnaires etc.

Government authorities ensure the necessary permissions of CSO members to easily access the premises where migrant are being held aiming to assess the implementation of the legal requirements and respect of their rights.

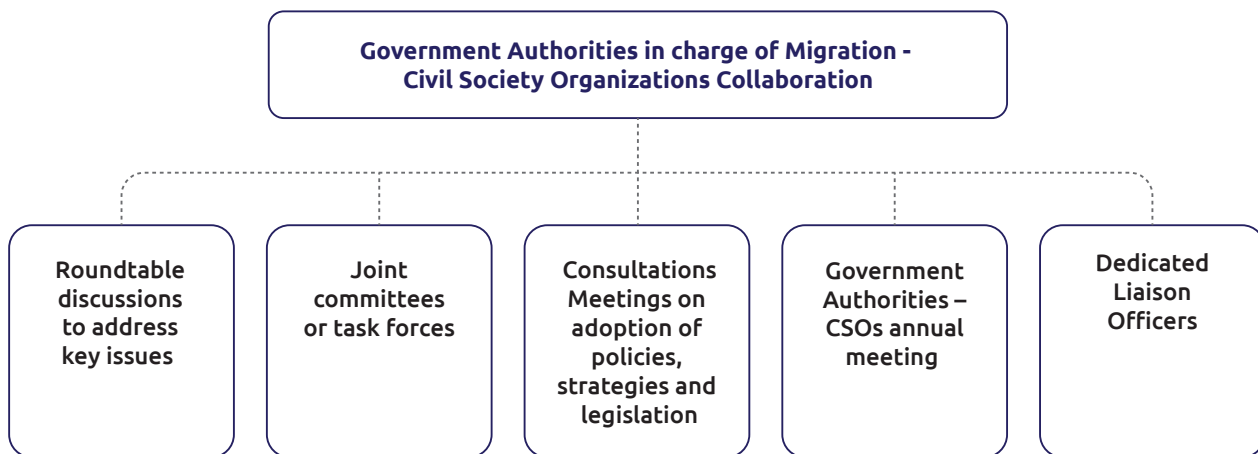
CSOs will submit monitoring report to the monitored institutions for consultation before the publication of findings.

CSOs will present to the government authorities the complaints of migrants regarding treatment in government facilities (police stations, closed and open centres, cross border points) mistreatment or other violations of their freedoms and rights, along with recommendations to improve practices.

## **Channels to establish collaboration**

Establishing effective collaboration between Civil Society Organizations (CSOs) and state authorities involves using various communication and coordination channels including:

- Roundtable discussions to address key issues.
- Consultations Meetings on adoption of policies, strategies and legislation related to migrants, smuggling and human trafficking.
- Joint committees or task forces conducted.
- Government Authorities – CSOs annual meeting.
- Dedicated Liaison Officers.



## Timeline of the MoU

The Memorandum of Understanding (MoU) will be concluded for a period of two years with the right of renewal upon agreement of parties. This limited timeframe allows for the assessment of the collaboration's effectiveness and prevents an indefinite provision of services. It provides an opportunity to review and adapt the agreement as needed.

The resolution of disputes or obligations between the parties, as outlined in this cooperation agreement, is achieved through negotiations and mutual understanding.

The MoU can be terminated within 30 days if one party provides written notice to the other party, expressing the decision to terminate the cooperation.

## 7. Conclusions and recommendations

1. While institutional capacities have been enhanced, further improvements are needed in terms of logistical and structural capacities of institutions in charge of migration management.
2. It is crucial for key institutions like the Department of Migration and Border to enhance and modernize their equipment utilized for border surveillance. The AHC strongly advises prioritizing the planning and allocation of funds for such equipment, while also seeking collaboration with development donors to ensure their procurement. This proactive approach will lead to improved border management capabilities and enable an effective response to instances of migrant smuggling and illegal border crossings.
3. At present, there is a shortage of essential personnel responsible for border control and frontline duties (translators, doctors, lawyers), hindering their ability to effectively address the influx of migrants. The AHC suggests that governmental bodies take measures to bolster their workforce by increasing the number of personnel or by engaging them on a contractual basis and improving their skills through training programs. By enhancing their abilities and knowledge, these individuals will become more proficient in meeting the immediate needs and addressing the concerns of apprehended migrants, particularly in identifying potential trafficking victims and offering aid to the most vulnerable groups such as women, minors, and unaccompanied minors.
4. Albania has concluded implementation of the 2019-2022 National Strategy on Migration and Action Plan and is currently working on future objectives in the field of migration in drafting and implementation of a new national and comprehensive strategic document. AHC recommends active participation of various stakeholders, particularly civil society organizations that offer diverse services to migrants, in the consulting process. It is also crucial to incorporate the insights gained from the previous National Strategy to address any shortcomings and improve the forthcoming document.
5. To strengthen efforts in preventing and identifying migrant smuggling, it is essential to prioritize inter-institutional cooperation. As a recommendation, the AHC proposes the establishment of a management system within the Ministry of Interior. This system would serve as a centralized platform for all stakeholders to collaborate as a unified entity, offering support and overseeing processes beyond their individual responsibilities. Through close collaboration, this coordination body can significantly strengthen efforts to combat migrant smuggling. An integral aspect of this system would be the simultaneous sharing and management of data, ensuring efficient information flow and coordination. Such integral management system becomes particularly significant when handling cases involving minors or unaccompanied minors.
6. The support of Frontex and regional collaboration play a vital role in tackling challenges that extend beyond individual countries, such as the illegal crossing of borders. The establishment of the first Joint Border Points is a significant step toward strengthening cooperation with law enforcement agencies in neighbouring countries. It is important to continue making efforts in joint border surveillance and conducting joint operations to effectively address cross-country collaboration among smugglers. This collaborative approach will contribute to more effective border control and counteracting illegal activities of irregular border crossing.
7. It is crucial that apprehended smugglers face legal consequences for their illegal activities. Sentencing them according to the law is essential, as it will raise awareness about the actions of smugglers and discourage future support to irregular migrants. The AHC strongly encourages law enforcement agencies and the judiciary (prosecution and courts) to prioritize investigation of criminal offenses particularly cases involving civil servants such as police officers. By addressing these issues seriously, it will send a clear message and help deter individuals from engaging in smuggling activities.
8. Raising awareness among apprehended migrants about their rights and the necessary procedures they should follow is crucial. To achieve this, the AHC encourages key stakeholders and NGOs to actively contribute by developing informative materials such as leaflets, posters, and videos in languages that the migrants can understand effectively. By providing accessible resources, migrants will be better equipped with the knowledge they need to navigate their situation and assert their rights appropriately and not fall victims of smugglers.



9. There has been an observed rise in the utilization of rented vehicles by smugglers for transporting migrants. In light of this, the AHC recommends that law enforcement agencies enhance their collaboration with the private sector operating in this industry. By strengthening this partnership, the aim is to detect and identify smugglers at the earliest possible stage and discourage the use of rented cars as a means of transportation for illegal activities.
10. Raising awareness among apprehended migrants about their rights and the necessary procedures they should follow is crucial. To achieve this, the AHC encourages key stakeholders and NGOs to actively contribute by developing informative materials such as leaflets, posters, and videos in languages that the migrants can understand effectively. By providing accessible resources, migrants will be better equipped with the knowledge they need to navigate their situation and assert their rights appropriately.





