



**RAPID ASSESSMENT OF THE  
SITUATION OF FOREIGN  
UNACCOMPANIED AND/OR  
SEPARATED CHILDREN IN  
ALBANIA**

The rapid assessment for unaccompanied and separated children was carried out in close collaboration with the State Agency for Child Rights and Protection (SACRP); Child Protection Units (CPUs); representatives from the State Police and the Border and Migration Directorate; social service professionals at the Municipalities of Gjirokastra, Saranda, Konispol, Korça, Devoll, and Kukës; representatives from other structures responsible for asylum or refugees, such as the UNHCR, CARITAS, Emergency Reception and Accommodation Centers in Tirana, Gjirokastra, and Korça; ARSIS Initiative Center, etc., all of which jointly play a key role in identifying, informing and providing basic legal, social, psychological and accommodation services for the protection of the rights of unaccompanied or separated children entering the territory of Albania.

*Assessment objectives: a) implementing current legal provisions; b) establishing the manner of cooperation among state and non-state bodies involved in handling and protecting unaccompanied or separated children; c) determining the level of coordination between the bodies and mechanisms responsible for and ensuring the operability of the protection and service system for this category;*

**Assessment period**

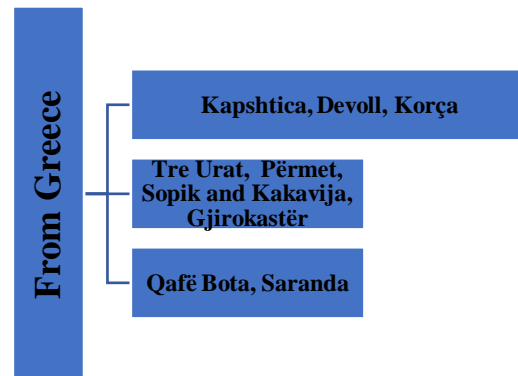
February-April 2023.

**Geographical Coverage**

Meetings were held in Tirana, Gjirokastra, Saranda, Korça, and Kukës, and extended to Konispol and Devoll as well.

**Profile**

The assessment focuses on the protection of unaccompanied children that have fled from countries in conflict, such as Syria, Afghanistan, and other countries, such as Pakistan, Bangladesh, Egypt, Morocco, etc., entering the territory of Albania through border crossings and the green border between the Republic of Albania and Greece.



Unaccompanied children state that they are crossing the Albanian border to:

- a) escape from violence, armed conflicts, trafficking risk, poverty, or due to the financial inability to afford living in their countries;
- b) join their relatives in EU countries;
- c) seek a better and safer life in such countries;



## Findings

-Foreign children, unaccompanied by adults, identified in the territory of Albania, have mainly entered the country illegally through the green border near border crossings;

-Unaccompanied children have been identified in border crossing areas, such as Korça, Devoll, Gjirokastra, Saranda, and Konispol, but also in other cities, such as Vlora and Tirana;

-The legal identification of children based on personal details has been impossible and difficult because they do not possess any identity documents, except for forged Greek residence permits or documents with incorrect details, based on their self-declarations;

-All persons identified within the territory of Albania who self-declare that they are unaccompanied minors are assumed and treated as such;

-There is no assessment of the child's age;

-The staff of State Police, Border and Migration Directorate, and other local structures and structures responsible for asylum or refugees report all unaccompanied children, regardless of whether they were identified at border crossings or within the territory of Albania.

-After the police bodies identify such minors and carry out the relevant procedures, the case is then referred to the Child Protection Worker (CPW) in the territory where the child was found within 12 hours; the CPW officially informs and reports in all cases to the State Agency for Child Rights and Protection (SACRP).

-The procedure for case referral by the Border Police to the CPW is either carried out directly or by phone.

-The authority responsible for the border and the CPW conduct a joint verification of the child's age, relying mainly on his/her self-declaration;

-The CPW, in cooperation with the Police staff covering the territory where the child is located, conducts an initial case assessment by verifying personal details, domicile, citizenship, actual status of the child, his/her needs for treatment, and compiles information that also includes the reasons for entering and residing unaccompanied in the territory of the Republic of Albania;

-The report is drafted within 48 (forty-eight) hours from the case referral time and is submitted to the SACRP;

-Afterward, the CPW initiates Court proceedings to issue an urgent protective measure;

-During the interviews with the children in the initial assessment, the CPW ensures that unaccompanied children are informed of their legal and social rights, and also provides them with a psychologist and translator. These services are provided by the structures established by CARITAS, IOM, UNHCR, Frontex, etc. at border crossings;

-There is no specific legal definition or reference regarding the immediate accommodation of non-asylum seeking unaccompanied children in state centers. Thus far, this category of children has mostly refused to stay in Albania or apply for asylum. Only 1 unaccompanied child has sought asylum in Albania;

- Temporary reception centers, such as the ARSIS Initiative in Tirana, the Temporary

Reception Center in Gjirokastra, and “Tjetër Vizion” Center in Elbasan (for children under 14 years old) operate as temporary emergency reception and accommodation centers for unaccompanied children. These are open Centers that allow unaccompanied children to come and go at any time, thus putting them at risk of trafficking, violence or abuse.

-The National Reception Center for Asylum Seekers in Babrru, Tirana, although sufficiently spacious and equipped, is yet to be made available to unaccompanied children due to the restrictions imposed under the current legislation in force;

-Pursuant to Article 43 of Law No. 10/2021 “On Asylum in the Republic of Albania”: *“The child may be accommodated in the Asylum Reception Centre, a place designated by the Ministry of Interior, or in another place of his or her choosing”*. Based on the Ministry of Interior’s reply, the Asylum Reception Center is currently unable to provide services to persons under the age of 18.

-It results that there is no accommodation (housing) provided to any identified children at the initial stage, during the interview and needs assessment at the relevant border crossings, until the drafting of the full report by the CPW with regard to the issuance of the urgent protective measure and individual plan for every child;

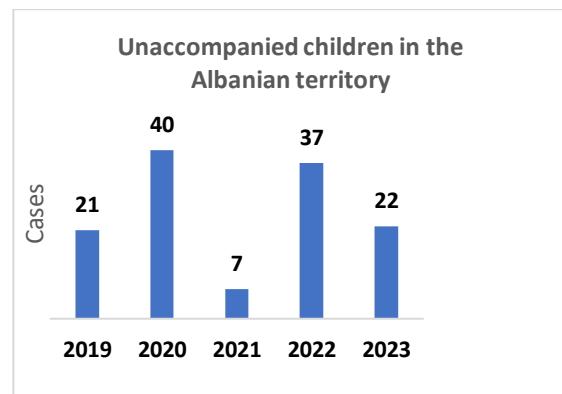
-At the initial stage immediately after identification, a 10-hour accommodation is provided in the containers located at border crossings, which are covered by humanitarian organization (such as UNHCR and Caritas) services.

-It is a known fact that, currently, all the responsibility to address and manage the cases of unaccompanied children falls on

the child protection structures, which, for several reasons, is not enough; hence, the complete management process is reduced to the referral stage and urgent measure issuance.

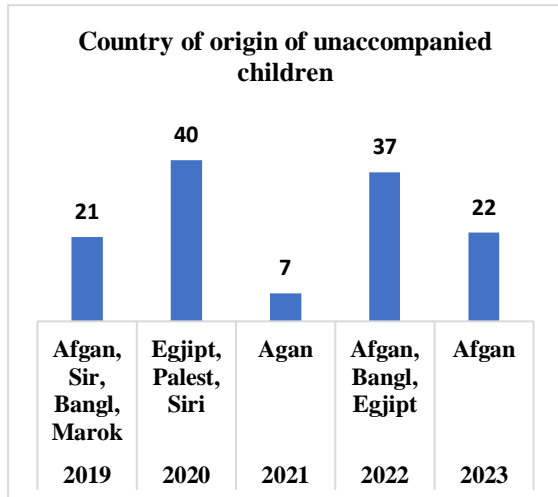
-As regards the procedures followed to reunite unaccompanied children with their relatives, according to the data obtained from the ARSIS Initiative Center for 2020-2023, of 54 children accommodated in temporary emergency service centers, only 5 were reunited with their relatives. The remaining 49 unaccompanied children left in unknown direction. Relevant reports for this category of children were submitted to local police directorates and the SACRP.

-There have been no identified cases of unaccompanied children in conflict with the law or children with physical or mental disabilities requiring specific protection.



From 2019 until March 2023, 127 cases of foreign unaccompanied children were addressed. The children identified by the interviewed structures were mainly from Afghanistan, Syria, Morocco, Egypt, and Bangladesh. They entered through and were identified at the border crossings in Devoll, Gjirokastra, and Kukës, but some were also found in Vlora and Tirana.

## Conclusions and recommendations



The MoHSP Minister’s Instruction pursuant to paragraph 15 of DCM No. 111, dated 06.03.2019, on the establishment of the specialized center for the provision of full accommodation, legal, social, psychological and educational services to foreign unaccompanied children identified and residing in the territory of the Republic of Albania, is yet to be adopted.

The instruction to be implemented has not been adopted yet, making it impossible to designate a service for the category of foreign unaccompanied children.

- The legal framework should be reviewed, in order to foresee the provision of special and specific protection to foreign unaccompanied children who are neither asylum seekers, nor identified victims of trafficking or abuse.
- Law No. 121/2016 “On Social Care Services in the Republic of Albania” should include foreign unaccompanied children under the categories of social care service beneficiaries.

- Specific agreements on border collaboration should be drafted and concluded, particularly with the Republic of Greece, focusing on unaccompanied children.

- The Instruction of the Minister responsible for child rights and protection issues should be adopted, and the institutions and form of service provision to foreign unaccompanied children should be established. It would be more practical to draft a sub-legal act (if possible) that would stipulate all

rights and guarantees of unaccompanied children.

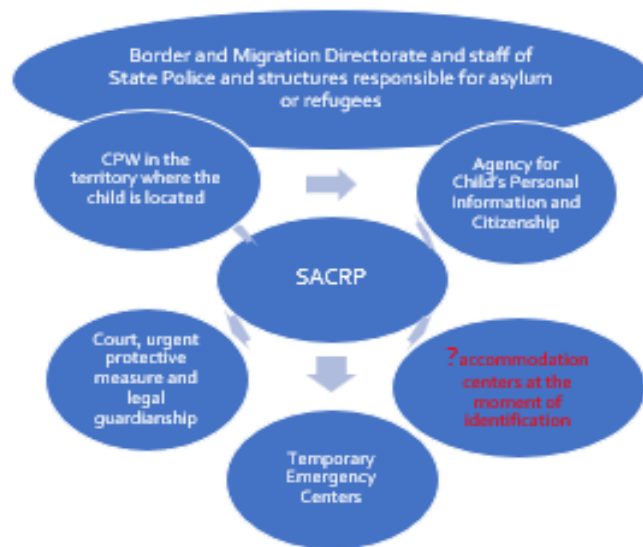
- It is necessary to draft a joint guidance document between the Ministers of Public Health, Interior, and Education, Sports, and Youth outlining the roles, responsibilities, and tasks of each actor involved in the process.
- The status of such children passing through Albania should be legally regulated.
- The procedures of providing children with a special residence permit should be facilitated;
  - At the time of the initial assessment and interview, the CPW and the Migration Directorate should assess the child’s risk aspects and health condition through a medical examination.
  - This may necessitate intervening in the main laws, such as the Family Code, etc., to ensure quick and effective procedures for unaccompanied children in need of

immediate protection.

- The application of the protective measure remains incomplete because the State Social Service does not provide any services to this category of children and because there is no designation of a legal guardian.
- Children should be informed about all the steps and stages to be followed until the measure to place them with a legal guardian is taken.
  - Accommodation services under the temporary protective measure and placement in alternative care should be provided at the community level and the centralization and children’s institutionalization must be maximally avoided.

- It is suggested that accurate and complete evidence for each foreign unaccompanied child assisted at border crossing be electronically stored in a central system, as well as every step of the procedure followed.
- Increasing the service budget and funding, at either the local or central level, remains a major challenge to the improvement of the system of services provided to children.
- There should be ongoing planning of the work to build the capacities of those involved in managing cases of unaccompanied children.

**Current scheme of the functioning and engagement of state and non-state actors for the operation of the unaccompanied children’s protection system<sup>2</sup> during the assessment period:**



<sup>1</sup> The red color highlights the current gap that remains undefined and uncoordinated for the actors involved;