Profile of the situation of unaccompanied minors and efforts for social inclusion

United Nations Support to Social Inclusion in Albania Programme

March 2015
United Nations Support to Social Inclusion in Albania Programme

Profile of the situation of unaccompanied minors and efforts for social inclusion

March 2015
Tirana, Albania
This report has been prepared by the International Organization for Migration, in the framework of the United Nations Programme Support to Social Inclusion Initiative in Albania, funded by the Swiss Agency for Development and Cooperation.

The views and opinions in this report are those of the author(s) and do not necessarily reflect the view of the International Organization for Migration (IOM) or those of the United Nations.

IOM is committed to the principle that humane and orderly migration benefits migrants and society. As an intergovernmental body, IOM acts with its partners in the international community to: assist in meeting the operational challenges of migration; advance understanding of migration issues; encourage social and economic development through migration; and uphold the human dignity and well-being of migrants.

Tirana, March 2015
Prepared by: Valbona Lenja, IOM Consultant
Translated and edited by: COSMOS Translations & Events
Reviewed by: Alketa Gaxha, Counter Trafficking Project Coordinator, IOM

Publisher: International Organization for Migration
Mission in Albania
Rruga “Ibrahim Rugova”, Nd. 42, H. 12, Apt. 4
Tirana, Albania
Tel: +355 42257836-7
Fax: +355 4225 7835
E-mail: infotirana@iom.int
Internet: http://www.albania.iom.int
© 2015 International Organization for Migration (IOM)

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise without the prior written permission of the publisher.
## Contents

Acknowledgment .............................................................................................................................. 4  
Methodology ..................................................................................................................................... 5  
Acronyms ........................................................................................................................................... 6  
1. Applicable definitions and concepts ........................................................................................... 7  
2. Vulnerable group and its identification ..................................................................................... 15  
3. Pre-departure and departure profiling ...................................................................................... 21  
4. Efforts for social inclusion .......................................................................................................... 32  
5. Recommendations ......................................................................................................................... 37  
ANNEX 1 .......................................................................................................................................... 39  
ANNEX 2 .......................................................................................................................................... 40  
ANNEX 3 .......................................................................................................................................... 41  
ANNEX 4 .......................................................................................................................................... 43
Acknowledgment

The International Organization for Migration (IOM) acknowledges all structures dealing with child protection and the fight against their trafficking for their contribution and support, including: the Ministry of Internal Affairs, in particular, the deputy Minister of Interior who, at the same time, is the National Coordinator on Combating Trafficking in Human Beings and the staff of the Anti-trafficking Unit, staff of the Ministry of Social Welfare and Youth, Social State Service, members of the Responsible Authority, International organizations (IO) and non-profit making organizations, in particular, ARSIS, TdH, members of KKSAT, and the Children Observatory, who were part of the consultations on the methodology and presentation of findings. Special thanks go to the Children Observatory and Tjeter Vizion, who helped with the identification of the families to be interviewed. We are grateful to all those families who put their trust on us and shared their experience and challenges, giving, thus, their own contribution to respond to children needs.

Likewise, the International Organization for Migration would like to thank the Swiss Agency for Development and Cooperation for the financial support it has provided in the framework of the United Nations Programme of Support to Social Inclusion in Albania.
Methodology

The activity of developing the profile of unaccompanied minors is part of the component “Establishing social exclusion profiles of populations at risk in Albania”, within the UN Programme of Social Inclusion in Albania1, funded by the Embassy of Switzerland, Swiss Cooperation Office in Albania, and it aims to contribute to the social protection reform in Albania.

The methodology of this study was defined following consultation of an adjusted version of the general profile development methodology, along with service providers and relevant child protection actors in Albania, earlier designed by the Programme. Based on such consultations, the profile development includes collection and interpretation of data on: a. Identification of unaccompanied children; b. the inclusion/exclusion profile for them and their families, and c. the inclusion initiatives and means, and recommendations to enhance their efficiency.

Three main methods were used in developing this profile: 1. Desk review, including various documents, laws, directives and research papers; 2. Semi-structured interviews with the family members of unaccompanied migrant children (UAM)2 and service providers who are in touch with or offer assistance to UAMs, and 3. An in-depth analysis of the questionnaires for the children families used by IOM during its family tracings.3

During the time between July and October 2014, semi-structured interviews were conducted with nine family members and relatives of unaccompanied children in Kukes region. The interview was structured based on the questionnaires used by IOM during the family tracing surveys. The applicable technique in this case was convenient sampling, involving those family members or relatives who accepted to answer with regard to the unaccompanied children who had emigrated to the United Kingdom. A number of at least 12 interviews were conducted in Kukes, Korca, Elbasan and Tirana with police officers and service providers who were open to be interviewed. In the meantime, an in-depth analysis was carried out of the 22 interviews conducted by IOM employees and made available after removing identifying data. A meeting with unaccompanied migrant children was not possible at the time of interviews.

The preliminary findings of the profile were presented and discussed during a workshop that took place in 2014 and a version of this report was submitted for feedback to the participants, and to those individuals and agencies that could not be present.

1 United Nations Support to Social Inclusion in Albania – UNSSIA.
2 This is the official term used by IOM.
3 Family tracing. Since 2008, the International Organization for Migration (IOM), at the request of the Italian Ministry of Labour and Social Policies, conducts family tracing for unaccompanied Albanian children in Italy.
Profile of the situation of unaccompanied minors and efforts for social inclusion

United Nations Support to Social Inclusion in Albania Programme

Acronyms

ARSIS: Association for the Social Support of Youth
SAPCR: State Agency for the Protection of Children’s Rights
EU: European Union
SPEA: Common European Asylum System
DNR: Directorate for Nationality and Refugees
RED: Regional Education Directorate
EMN: European Migration Network
EASO: European Asylum Support Office
EDF-RAN: European Document Fraud Risk Analysis Network
FRONTEX: European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union
FRAN: FRONTEX Risk Analysis Network
UAM: Unaccompanied Migrant Children
IOM: International Organization for Migration
CC: Criminal Code of the Republic of Albania
FC: Family Code of the Republic of Albania
CPU: Child Protection Unit at the Municipality/commune
NPO: Non-profit Making Organizations
PICUM: Platform for International Cooperation on Undocumented Migrants
SOP: Standard Operation Procedures for the Identification and Referral of the Potential Victims/Victims of Trafficking
BMP: Border and Migration Police
SSS: State Social Service
TDH: Terre des Hommes
UNICEF: United Nations Children’s Fund
UNHCR: United Nations Agency for Refugees
UNDP: United Nations Development Programme
SSSRO: State Social Service Regional Office
WEBRAN: Western Balkans Risk Analysis Network

1 This is the Regulation establishing the mechanism and criteria to determine the Member State responsible for the review of the application for international protection filed by a third-country national or stateless person.

2 The European Migration Network is coordinated by the European Commission via the National Contact Points (EMN NCP) established in any of the EU member countries, plus Norway.
1. Applicable definitions and concepts

For the purposes of the profile, the report contains terms and definitions taken from the IOM Glossary of Migration\(^3\), the Albanian and international legislation, and various other sources. Some of the most frequent terms used in the course of this report are as follows:

**Asylum:** According to the Albanian Law, Asylum is the protection granted by the Republic of Albania to refugees and persons falling under Temporary Protection\(^4\). In the meantime, the European Commission defines asylum as a fundamental right and its granting is an international obligation first recognised in the 1951 Geneva Convention on the protection of refugees\(^5\).

**Abandonment of minor children:** A criminal offence punishable by the Criminal Code of the Republic of Albania, the abandonment of a child under sixteen by a parent or by a person compelled to guard over him shall be subject to a fine or up to three years of imprisonment. When serious harm to the health or death of the child has resulted, it is punishable by three up to ten years of imprisonment\(^6\).

**Discrimination:** every distinction, exclusion, limitation or preference that has as a purpose or consequence the hindering or making impossible the exercise, in the same manner as with others, of the fundamental rights and freedoms recognised by the Constitution of the Republic of Albania, with international acts ratified by the Republic of Albania as well as with the laws in force\(^7\).

---

3 In this case, terms are marked with an asterisk*. You can find the IOM migration glossary: [http://www.iom.ch/jahia/webdav/site/myjahiasite/shared/shared/mainsite/published_docs/serial_publications/IML10.pdf](http://www.iom.ch/jahia/webdav/site/myjahiasite/shared/shared/mainsite/published_docs/serial_publications/IML10.pdf)

4 Law No. 8432 of 14.12.1998, “On Asylum in the Republic of Albania,” as amended by Law No. 10060 of 26.01.2009. According to this Law: “Application for asylum shall be the official request submitted to the Directorate for Nationality and Refugees, in line with the procedures set out in this law, whereas an asylum request shall be every statement made verbally, in writing or gestures by a foreign citizen or stateless person to the competent authorities at the border or within the country, which is considered as a request for international protection, in conformity with Geneva Convention. Every request for international protection shall be considered as application for asylum, unless a foreign citizen or stateless person is clearly seeking another type of protection, which s/he should apply for separately.”


6 Article 124 of the Criminal Code, (Paragraph I amended by Law No. 8733 of 24.1.2001, Article 34)

The right of children deprived of their family environment: The right for special protection and assistance by the State, as granted by Article 20(1) of CRC to the child who is temporarily or permanently deprived of his/her family environment or in whose best interest cannot be allowed to remain in that environment any longer.8

Returned emigrant: According to the Albanian law, this is the Albanian emigrant returned to the Republic of Albania, for leaving again or not, after passing at least one year outside the territory of the Republic of Albania. As such are also considered the refugees who have been subject to voluntary or forced return, the victims of trafficking, war prisoners, and their family members. A returned emigrant is further the Albanian who has voluntarily or forcibly returned from host countries to the Republic of Albania, due to failure of meeting documentation requirements for entry, presence or regular stay in the host countries, in line with the readmission agreements, and of their family members9.

Child: Every individual born alive until 18 years of age. Where the age of the individual is not fully determined, but there are reasons to imply that the individual is a child, this individual shall be considered a child and benefit from this law until his/her age is fully determined10.


Separated children: According to the General Comment No. 6 of the UN Committee of the Rights of Child, these are the children, as defined in Article 1 of CRC, who have been separated from both parents, or from their previous legal or customary primary care-giver, but not necessarily from other relatives. These may, therefore, include children accompanied by other adult family members.12 According to the most reputable agencies operating in the area of child protection, all children are entitled to protection and care under a broad range of international, regional and national instruments. Of particular relevance for separated children are: the right to a name, legal identity and birth registration; the right to physical and legal protection; the right not to be separated from their parents; the right to provisions for their basic subsistence; the right to care and assistance appropriate to their age and developmental needs; the right to participate in decisions about their future.13

8 http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx
11 http://femijet.gov.al/al/ligje
12 General Comment No. 6 (2005) of the Committee for the Rights of Child, “Treatment of separated and unaccompanied children outside their country of origin.” The Albanian legislation provides the definitions in two laws: According to the Law on the Foreigners, an unaccompanied minor is the foreign minor, who enters the territory of the Republic of Albania unaccompanied by an adult responsible person, as defined by the law, and for as long as s/he is not taken effectively under his/her care, or the minor who, upon entry in the territory of the Republic of Albania, is left unaccompanied. Unaccompanied minor, according to the Law on Asylum, are the foreign citizens or stateless persons under 18 years of age, who arrive in the territory of the Republic of Albania unaccompanied by an adult person who is responsible for them, according to law or tradition and for as long as they are not effectively under the care of a similar individual. This also includes those minors who have been left unaccompanied, upon entry in the territory of the Republic of Albania.
Unaccompanied children: According to the General Comment No. 6 of the UN Committee on the Rights of Child, are children, as defined in article 1 of the Convention, who have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so.14

Worst forms of child labour: All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict; the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties or any other work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.15

*Vulnerable groups: Any group or sector of society that is at higher risk of being subjected to discriminatory practices, violence, natural or environmental disasters, or economic hardship, than other groups within the State; any group or sector of society (such as women, children or the elderly) that is at higher risk in periods of conflict and crisis.

Maltreatment of the minor: A criminal offence punishable by the Criminal Code. According to Article 124/b of the Code16: “Physical or psychological maltreatment of minors by their parents, sister, brother, grandfather, grandmother, legal guardian or by any other person who is obliged to look after him, is sentenced by imprisonment from three months up to two years. Coercing, exploitation, encouragement, or use of a minor to work, to obtain income, to beg, or to perform actions that damage his/her mental and/or physical development, or education, shall be punishable by two to five years of imprisonment.”

Institutional framework for the protection of the rights of children: At the central level, child rights’ protection has been assigned to the National Council for the Protection of the Rights of Child, an ad hoc consultative body that assesses the state of observation of child’s rights in Albania and, along with the analysis of state policies and programmes for the protection of children’s rights issues recommendations for the National Agency for the Protection of the Rights of Child, whose mission is to monitor the enforcement of the Law “On the Protection of the Child’s Rights,” and guarantees the cooperation between different governmental and non-governmental stakeholders to ensure an effective attention and protection of the rights of children. At the local level, the law establishes that it is the Child Protection Unit at the regional council and the Child Protection Unit at the municipality/commune that shall be responsible of the assessment and monitoring of the situation of children at risk, identification of the cases and interdisciplinary coordination, protection, referral, analysis of the cases emerging in the municipality/commune territory, as well as of the organization of the activities aimed at raising the awareness at a local level (Article 39 of the Law)17.

---


16 It includes the amendments made by Law 144/2013.

17 Pajo, V. Summary Report on the review of the Albanian legal framework related to child exploitation (cross-border included), trafficking and protection.
Profile of the situation of unaccompanied minors and efforts for social inclusion

*Guardian:* One who has the legal authority and duty to care for another’s person or property, usually because of the other’s incapacity, disability, or status as a minor. *Custody* is the responsibility for the care and control of an individual. A court might assign custody of a minor to a relative or other guardian.

**European Union Readmission Agreements**\(^\text{18}\): According to the Commission\(^\text{19}\), EURAs impose reciprocal obligations on the contracting parties to readmit own nationals as well as in certain circumstances third country nationals or stateless persons who stayed on or transited through the territory of the other party. They further set out technical and operational criteria for this process. Their potential contribution to an active return policy has long been recognised. Since 1999, the Council has issued negotiating Directives to the Commission for 21 third countries. Since the entry into force of the Lisbon Treaty, the conclusion of Readmission Agreements has an explicit legal basis (Article 79(3) of TFEU\(^\text{20}\)). Additionally, the Strategy for the Reintegration of Returned Albanian Citizens 2010-2015, Readmission agreements and implementing protocols of the Republic of Albania are necessary legal instruments that regulate admission procedures and help in the swift and decent return of Albanian citizens and in the observance of human rights and fundamental freedoms. The Readmission Agreement with the European Community concerning persons residing without authorization was signed on 14 April 2005 and entered into force on 1 May 2006 for Albanian citizens and on 1 May 2008 for third country nationals. It aims to further strengthen effective cooperation in the fight against illegal emigration and to establish clear and simple procedures for the identification and safe return of people who do not meet the requirements for entry or stay in the territory of Albania or any EU member state, as well as to facilitate the transit of these persons.

**Child protection:** According to the law on the protection of child rights\(^\text{21}\), it is the prevention of and response to child violence, abuse, exploitation and neglect, including abduction, sexual exploitation, trafficking, child labour and harmful traditional practices, such as mutilation of genitalia and child marriage.

**Non-refoulement:** A principle laid down in the Geneva Convention Relating to the Status of Refugees, 1951\(^\text{22}\). According to Article 33, paragraph 1 of the Convention, “no Contracting State shall expel or return 45 Glossary on Migration ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.” This principle cannot be “claimed by a refugee, whom there are reasonable grounds for regarding as a danger to the security of the country in which he is, or who, having been convicted by a final judgement of a particularly serious crime, constitutes a danger to the community of that country.” (Art. 33 (1) and (2), Geneva Convention Relating to the Status of Refugees, 1951) On the other hand, in its General Comment No. 6, paragraph 27, the Committee for the Rights of the Child states that in fulfilling obligations under the Convention, States shall not return a

---

\(^\text{18}\) For more information on the relationship between readmission agreements and unaccompanied minors, see the annex at the end of this report, which contains data from a document issued by the European Migration Network: “Unaccompanied minors – An EU Comparative Study.”


child to a country where there are substantial grounds for believing that there is a real risk of irreparable harm to the child, such as, but by no means limited to, those contemplated under articles 6 and 37 of the Convention, either in the country to which removal is to be effected or in any country to which the child may subsequently be removed. Such non-refoulement obligations apply irrespective of whether serious violations of those rights guaranteed under the Convention originate from non-State actors or whether such violations are directly intended or are the indirect consequence of action or inaction. The assessment of the risk of such serious violations should be conducted in an age and gender-sensitive manner and should, for example, take into account the particularly serious consequences for children of the insufficient provision of food or health services.

**Detention:** Restriction on freedom of movement, usually through enforced confinement, of an individual by government authorities. There are two types of detention. Criminal detention, having as a purpose punishment for the committed crime; and administrative detention, guaranteeing that another administrative measure (such as deportation or expulsion) can be implemented. In the majority of the countries, irregular migrants are subject to administrative detention, as they have violated immigration laws and regulations, which is not considered to be a crime. In many States, an alien may also be detained pending a decision on refugee status or on admission to or removal from the State.

**Economic assistance:** According to Article 4 of the Law No. 9355 of 10.03.2005, “On Social Assistance and Services,” this is the support, in cash and in kind, to individuals with special status and to families in need.

**Persons granted temporary protection on humanitarian grounds:** According to the Albanian law on asylum, a person granted Temporary Protection on humanitarian grounds is a foreigner who: a) although not fulfilling the refugee criteria contained in Article 4 of this Law, not falls under the provisions stipulated in Chapter V of this Law on “Temporary Protection”, shall not be subjected to an expulsion or deportation order issued by the relevant authorities of the Republic of Albania, owing to the relevant reasons stated in the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the United Nations Convention Against Torture, International Covenant on Civil and Political Rights, the United Nations Convention on the Rights of the Child and any other relevant international instrument to which the Republic of Albania is party or shall be party to; b) is granted temporary protection by the Republic of Albania in accordance with Article 31 under Chapter V of the present Law. The stay permission on humanitarian grounds, according to the Albanian law on foreigners, is a temporary A-type permission which the national authority responsible for border and migration grants to the “foreigner”, even where the requirements provided for by Article 34 of this law or other general criteria set out in the law are not met, provided that the foreigner: a) has submitted to asylum authorities a request to be recognized as a refugee; b) is a victim or potential victim of trafficking; c) is an abandoned minor or one left without parental protection, custody or accompaniment for other reasons.

23 Article 6 foresees that States shall recognize that every child has the inherent right to life and take all measures to ensure the child’s survival and development. On the other hand, Article 37 establishes that no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither shall they be subjected to capital punishment nor life imprisonment.


25 This article has not been amended with Law 10060 of 26.01.2009, “On Some Amendments and Additions to Law No. 8432 of 14.12.1998, ‘On Asylum in the Republic of Albania.’” It has only been followed by an addition, Article 5/1, “Temporary protection in cases of mass influx.”
Social inclusion: A process which ensures that those at risk of poverty and social exclusion gain the opportunities and resources necessary to participate fully in economic, social and cultural life and to enjoy a standard of living and well-being that is considered normal in the society in which they live. It ensures that they have a greater participation in decision making which affects their lives and access to their fundamental rights.26

Social exclusion: A process whereby certain individuals are pushed to the edge of society and prevented from participating fully by virtue of their poverty, or lack of basic competencies and lifelong learning opportunities, or as a result of discrimination. This distances them from job, income and education, and training opportunities, as well as social and community networks and activities. They have little access to power and decision-making bodies and thus often feel powerless and unable to take control over the decisions that affect their day to day lives.27

Legal representative: A guardian or custodial family, individual or institution, who protects, within the limits established by the law or the court, the interests of the child by performing or not legal actions in the name or on behalf of the child28.

Parent: According to Article 3, “Definitions”, of Law 10347 of 4.11.2010, “On the Protection of the Rights of the Child,” is the person(s) who have given birth or adopted the child jointly or as single, married or unmarried or who have acknowledged maternity or paternity of the child born out of the wedlock.

Profile: A demographic description and analysis typically involving age gender ethnicity education social class religious affiliation sexual orientation. It can be both a driver and outcome of social exclusion.29

Life project: It is a plan developed and negotiated between the minor and host country authorities, represented by a professional, with the contribution of other professionals. The life projects are comprehensive, tailored and flexible tools. They take into consideration a series of issues belonging to the minor’s past, including his/her personal life and family situation, motives of migration and the route. The project bridges the past with the present, focusing on the minor’s aspirations and perceptions, the legal situation and the opportunities existing in both the origin and destination countries, and seeks to clarify and improve the minor’s future, while making sure his/her rights and best interests are respected and that he is supported to develop his/her skills and become a full and active member of the society30.

Emergency: A child under emergency shall be the child who, left in the actual circumstances without any protection intervention, could be subject to death, harm, serious injury or fall prey to maltreatments that are qualified as criminal offences under the Criminal Code.31

Refugee: According to the Albanian law on asylum, a refugee is a foreigner who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his/her origin and is unable, or owing to such a fear, is unwilling, to avail himself of the protection of that country; or

26 Methodology recommendations on social exclusion profiling of population at risk in Albania.
27 Methodology recommendations on social exclusion profiling of population at risk in Albania.
28 Albanian Law on the Rights of the Child.
29 Methodology recommendations on social exclusion profiling of population at risk in Albania.
31 Protocol on Child Protection.
who, not having nationality and being outside the country of his/her former habitual residence as result of such events, is unable, or owing to such fear, is unwilling to return to it, in line with the criteria set out in Article 1(A) of Geneva Convention.32

**Schengen Information System (SIS):** A system established as an inter-governmental initiative under the Schengen Convention and has been actually incorporated under the European Union (BE). The system is used by border guards, the police, customs, visa and judicial authorities across the Schengen area. It contains information on individuals implicated in serious crimes or who have no right to either enter or stay in the EU. Additionally, the system contains alerts on missing persons, especially children, and on several types of assets, such as cash, vehicles, weapons and identity documents that may have been stolen or misappropriated. The authorities of every country enter data in SIS and send them to all the EU countries via the Central System. On the other hand, the SIRENE manual contains procedures for the exchange of supplementary information on all SIS alerts. On 9 April 2013, the second-generation Schengen Information System started operation (SIS II). SIS II includes a larger number of functions, such as the use of biometric elements, creates the opportunity to cross-check various alerts, such as, for example, vehicle alerts with persons’ alerts, the possibility to carry out research directly in the system and ensure better data protection. SIS is one of the largest IT systems in the world and contains three components consisting of the central system, the national member states systems and a communication infrastructure between the central and national systems of states33.

**Health:** A state of complete physical, mental and social well-being and not merely the absence of disease or infirmity.

**Child development:** According to the Committee on the Rights of the Child, State Parties must interpret “development” in its broadest sense, as a holistic notion that includes and interconnects the physical, mental, spiritual, moral, psychological and social development34.

**Minors’ compulsory repatriation:** This is the quick repatriation with no consequences that is conducted by state authorities, in line with the legislation into force, after noticing or receiving information on the employment of minors outside of the territory of the Republic of Albania35.

**Reintegration:** The process occurring upon the child’s return to his/her home, town or country (state) of origin.

Integration is the process occurring in the country of destination or a third country. Depending on the child’s highest interest, the process may be integration or reintegration36.

**Trafficking of minors:** According to Article 128/b of the Criminal Code of the Republic of Albania, it is the recruitment, sale, transport, transfer, hiding or reception of minors with the purpose of exploitation for prostitution or other forms of sexual exploitation, forced services or

---

34 General Comment No. 5 (2003), “General measures of implementation of the Convention on the Rights of the Child” (Articles 4, 42 and 44, paragraph 6).
36 Post-Return Support and Monitoring Framework, The document was developed in the framework of the project “Monitoring the Situation of Children Returned from EU Member states” co-funded by the European Union’s Return Fund.
work, slavery or forms similar to slavery, putting to use or transplanting organs, as well as other forms of exploitation.

**Country of origin:** In the case of separate or unaccompanied children is the country of nationality, or, in the case of a stateless child, the country of habitual residence.\(^{37}\)

**Decision concerning custody:** It is the decision of an authority concerning child care, including the right to decide over the child’s residence and the right of access therein\(^{38}\).

**Age assessment:** It determines whether the individual is an adult or a child. According to the European Asylum Support Office (EASO)\(^{39}\), age assessment shall be made only in the cases where there are doubts on the claimed age, for the legal purpose of determining whether the individual is an adult or a child. The best interest of the child should be placed on any other consideration in all actions undertaken. The assessment must follow a multidisciplinary and holistic approach. Prior to the medical examination, documents and other data should be considered. Age assessment must take place in full respect of the individual dignity, opting for the least invasive methods.

---

37 Comment No. 6, paragraph 11.

38 European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children. According to the Convention in question, child is an individual of any citizenship, for as long as s/he is under 16 years of age and is not entitled to decide on his/her residence.

2. Vulnerable group and its identification

2.1 Group boundaries and subgroups

The Albanian legislation provides the definitions in two laws: According to the Law on the Foreigners, an unaccompanied minor is the foreign minor, who enters the territory of the Republic of Albania unaccompanied by an adult responsible person, as defined by the law, and for as long as s/he is not taken effectively under his/her care, or the minor who, upon entry in the territory of the Republic of Albania, is left unaccompanied. Unaccompanied minors, according to the Law on Asylum, are the foreign citizens or stateless persons under 18 years of age, who arrive in the territory of the Republic of Albania unaccompanied by an adult person who is responsible for them, according to law or tradition and for as long as they are not effectively under the care of a similar individual. This also includes those minors who have been left unaccompanied, upon entry in the territory of the Republic of Albania.

Unaccompanied minors as a subgroup of the children on the move

According to Mike Dottridge, children on the move are those children who move for more than several days at one between or across the states, for a series of reasons, either on a voluntary or non-voluntary basis, with or without their parents or primary guardians.40

Subgroups of minors separated from relatives

According to the General Comment No. 6 of the UN Committee of the Rights of Child, “separated children”, as defined in Article 1 of CRC, who have been separated from both parents, or from their previous legal or customary primary care-giver, but not necessarily from other relatives. These may, therefore, include children accompanied by other adult family members.41 Further

40 The definition can be found in Mike Dottridge, November 2012, What can you do to protect children on the move. According to the author, this is a definition by Save the Children.

41 General Comment No. 6 (2005) of the Committee for the Rights of Child, “Treatment of separated and unaccompanied children outside their country of origin.” The Albanian legislation provides the definitions in two laws: According to the Law on the Foreigners, an unaccompanied minor is the foreign minor, who enters the territory of the Republic of Albania unaccompanied by an adult responsible person, as defined by the law, and for as long as s/he is not taken effectively under his/her care, or
“unaccompanied children” are children, as defined in article 1 of the Convention, who have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so42.

Subgroups by migration causes and situations

According to SCEP43, although there is a wide range of categories of separated children, the majority fall under three main groups: those seeking protection (asylum included), those who are trafficked and those who are migrants, including the ones who want to reunite with their families or are looking for economic or education opportunities.

Trafficked minors as a subgroup

One of the hottest debates recently is the question whether unaccompanied minors are trafficked. Most of the respondent in Kukes said that the unaccompanied children are abandoned or children whose parents have failed to meet their obligations due to their inability to do so and that this is a situation exploited by smugglers.

According to one of the respondents all unaccompanied children left in the hands of strangers are trafficked:44

To us, the child is trafficked. Parents or relatives take them to Belgium, France and leave them in the hands of strangers.

According to Mike Dottridge, there is no evidence that the majority of children end up being abused: “It is justifiable to intercept children, when there is strong probability that they will be abused if they are not intercepted. The corollary of this conclusion is that intercepting girl and boy migrants as a routine technique to prevent them ending up in abuse, if there is no evidence that a large proportion do end up in abuse.”45

Going beyond subgroups

According to UNHCR and UNICEF, notwithstanding the circumstance and reasons of the move, all unaccompanied and separated children have two main features in common: first, they are children and should, above all, be treated as such, and, second, as children deprived of their family supporting environment, they are entitled to receiving special support and assistance by the state.

According to SCEP, It is important to recognise that the subgroups of asylum seekers, trafficked...
persons and migrants cannot be seen as mutually exclusive and that there can be, and is, considerable overlap and movement within these categories. Upon arrival it may not be obvious which, if any, of these groups the separated child fits into and it is precisely because of this that welfare needs must be addressed before the child’s migration status is determined as the latter may take time to confirm. All separated children should be perceived and treated as children first and foremost and their migration status must always be a secondary consideration. Migration concerns cannot be the basis for refusing a separated child permission to enter or remain in a country. The principles of child protection and welfare should be the paramount considerations in the treatment of all separated children by immigration officers, police, social workers and other practitioners. All separated children have common and particular rights and needs in relation to their reception and assistance. They should all have access to child welfare, protection, education and health services. The rehabilitation and recovery of separated children must be given due priority46.

2.2 Information source on unaccompanied children, group size and extent

From document reviewed, we notice that determining the number of unaccompanied children is quite challenging. Thus, according to UNESCO (2010), in most of the cases, it is well known that official statistics do not represent the full extent of the presence of separated and unaccompanied children in each country. Countries that only compile asylum applications ignore the fact that a number of children do not fall under that profile or fulfil the requirements needed to seek asylum. In these territories, the children who are not asylum seekers are simply ignored and become invisible. In other cases, certain authorities (Spain) have been accused of inflating the number of arrivals to stir up public alarm and thus to justify the implementation of harsh policies against these children, although such measures would normally be unpopular. In contrast, other countries (Italy) have set up long, complex procedures for the registration of unaccompanied migrant children. As a result, a significant number of children who go missing or abandon the care facilities after a short stay are never registered in the official statistics47.

Figures in 2013 indicate that there is almost an equal number between those children applying for asylum and the ones who don’t. According to EUROSTAT, by 2013, a number of almost 13 00048 asylum applications were registered in the 28 EU member countries by unaccompanied children49. Meanwhile, EMN National Contact Points reported that by 2013, the number of children identified as unaccompanied minors, who did not apply for asylum was 12,770 50. The number of asylum-seeking minors is not so far from the numbers of 2011, with 12,22551.

46 SCEP, Statement of Good Practice.
According to the International Network for the Rights of Children, in 2014, around 7,000 unaccompanied minors entered Sweden, in a figure that is twice as high compared to the previous year. Of a total of 12,770 asylum-seeking children in 2013, 30 per cent have entered this country.

Countries like the United Kingdom, France and Germany have reported to EUROSTAT an increased number of Albanian unaccompanied children seeking asylum during the period between 2010 and 2013, with 55 in 2010, 170 in 2011, 345 in 2012, and 535 in 2013.

The total number of unaccompanied minors in the territory of France is estimated to range from 4,000 to 9,000 and the main countries of origin include Guinea, Nigeria, Ivory Coast, the Democratic Republic of Congo, Mali, Bangladesh, Albania, Pakistan, Angola and Afghanistan.

According to the media, only during August and September 2014, at least 20 cases of Albanian parents abandoning their children, for purposes of being granted asylum were recorded.

By the end of August 2014, the Ministry of Labour and Social Policies reported the presence of 923 Albanian unaccompanied minors in the Italian territory.

The respondents in Kukes said that the number of unaccompanied minors to going from Kukes region towards the UK was over 50, with Shishtavec commune having the highest number.

One person from Shishtavec said:

*There’s no one left here, everybody is gone. Did you see any young boy around?*

According to reports, at the time where the agreement between SSS and the police was discussed, the anticipated number of assessment requests was 1,000, but that has not been the case. During January 2015, SSS has received only 11 requests for family assessment.

Some of the individuals interviewed during the assessment said that there is no increase of the number of Albanian unaccompanied children, but, instead, a growing number of requests for asylum that was not the case previously. During the presentation of 2013 Migration Profile, there were data provided that indicated of a growing number of children and adults seeking asylum in the EU.

The number of foreign children on the move who transit through Albania is yet unidentified, although there is information on some cases. According to the media reports in October 2014, of a total of 76 Syrian clandestines intercepted near the Greek border, there were 9 women and 7 children, whereas in November 2014, the border police in Gjirokastra intercepted, 80 Syrian clandestines near the green border with Greece, close to Radat village, among whom, 2 were women and two were children. Also in November 2014, Gjirokastra police stopped 50

---

54 IOM and PAMECA Briefing.
57 National Report, Foreign Unaccompanied Minors, 31 August 2014, Ministry of Labour and Social Policies
58 http://www.kosovaonline.info/?page=1,26,53059
59 Top Channel, Albania, https://www.youtube.com/watch?v=GPf1kJD19dQ
According to collected data, the organizations involved in the identification, referral, return and assistance for unaccompanied minors include IOM, TdH, ARSIS, International Social Services and, in the case of unaccompanied children victims of trafficking, NATC members. The agreement signed between the Council of Ministers of the Republic of Albania and the Government of the Republic of Greece on the protection and support of children victims of trafficking was focused on the children victims of trafficking and facilitated cooperation in relation to these children. The Standard Operational Procedures for the Identification and Referral of the Potential Victims and Victims of Trafficking increase the focus on unaccompanied minors, considering the lack of accompaniment or its type where present as one of the primary trafficking indicators, both in terms of its identification within the territory and at the border. The responsibility for the identification of unaccompanied children, however, lies mainly with the Border Police. Interviews at the border in the regions of Kukes and Korca indicate that special attention was paid to interviewing returned unaccompanied children and minors who travel abroad accompanied (upon authorization), in order to identify children who are trafficked, at risk of trafficking or those who may be abandoned for asylum-seeking purposes. Likewise, there is mention of cases whereby children victims of trafficking have been identified among the returnees. On the other hand, data also indicate the challenges created by un-notified returns, lack of reception and interviewing premises for minors, scarcity of financial resources to cover the basic needs of returned children.

The Joint Order of the Ministry of Interior, General State Police Directorate, MSWY, and the State Social Service, “On measures for the reception and social treatment of minors returning, readmitted from other countries,” is the latest regulatory act in function of the identification, referral, reception and assistance for unaccompanied minors, assigning the Border and Migration Police and the State Social Service as the main responsible bodies. One of the bottlenecks in

60 http://lajme.parajsa.com/Shqiperia/id_603664/

61 http://fusion.net/story/6315/from-china-to-albania-unaccompanied-kids-come-to-u-s-from-across-the-globe./

62 Report prepared by ARSIS, GKF Albania and international experts commissioned by UNICEF and Save the Children (April 2014), National Study on Street Children in Albania.

63 Since 2008, the International Organization for Migration (IOM), at the request of the Italian Ministry of Labour and Social Policies conducts family tracing for the Albanian unaccompanied children in Italy.

64 The agreement was ratified by Albania with the Law No. 9554 of 29.05.2006, and entered into force in 2008, upon its ratification by the Greek Parliament.

65 Cases of minors returned from Greece.

66 This refers to the first reception at the border, when it has not yet been determined whether the individual is a potential victim of trafficking or even afterwards, during the time in which children who are potential victims of trafficking stay in the premises of the police directorates in regions.
the enforcement of the above-mentioned order is that some of the return cases are only on a last-minute notice.

Every respondent, although some were not informed of the existence of such order at the moment of the interview, said that identification should take place even earlier than at the border by the border police officer. Most of them reiterated that those most involved in the process should be the diplomatic representative offices of the Republic for Albania.

Data from the Children Observatory reported that one of the most frequent methods of identification for the number of children/group size is that of collecting information on children leaving/dropping out of the school without asking to be transferred to a different institution. The method, however, is encounters frequent obstacles, due to the schools’ lack of transparency, with the latter being reluctant to declare the number of dropouts as it would lead to the closure of groups and the school itself. Some of them said that area inspectors must play a more active role.

There should be control from the police, area inspectors. By law, the child should live with the family; therefore, it is the parent who must be blamed for not tending to the child.

The participants in the interview recommended efforts to approximate child protection mechanisms with those on prevention of trafficking. In this regard, they mentioned as an example the initiative of the Ministry of Interior and Mario Project on the harmonization of the national mechanisms for the referral of victims of trafficking and child protection.

Information was received in Elbasan and Tirana with regard to the important role played by the mobile units involved with the identification of vulnerable children, including unaccompanied minors, suggestions were made for such experience to be extended in other regions, as well, particularly in the border areas.
3. Pre-departure and departure profiling

Regions

According to IOM, the regions mostly affected by the migration of unaccompanied minors to Italy include Elbasan and Tirana, followed by Dibra, Shkodra, Lushnja, Fier and Kurbini (Laç)

The distribution of the 22 cases by regions is shown below:

![Distribution by regions]

- Dibra (8 cases)
- Shkodra (2 cases)
- Durres (1 case)
- Fier (1 case)
- Elbasan (1 case)
- Berat (1 case)
- Vlora (1 case)

Age of departure

An in-depth analysis of the 22 cases, for which the IOM has conducted the family tracing, indicates that the age at departure is as follows:

- 4 years old (1 case)
- 14 years old (1 case)
- 15 years old (6 cases)
- 16 years old (5 cases)
- 17 years old (6 cases)
- Almost 18 years old (2 cases)

---

67 IOM Briefing Note.
68 Date of departure unknown.
69 One on the month of his 18th birthday and the other 4 months after his 18th birthday.
By November 2014, the United Kingdom-based “Shpresa” Programme\(^70\) reported of two male children, brothers at the age of 11 and 15, accommodated in a foster family.

Gender

Of the 22 cases under analysis, 21 were males and only one female. All the other cases emigrated to the United Kingdom and reported by their relatives in Kukes region were males.

Family composition

Of the total of 22 cases, all families have four or more members:

![Family composition chart]

Motives of departure

“If our primary concern is with children’s rights, we cannot start from the assumption that migration is, in itself, a problem. It is vital to recognize that migration, whether through legal or irregular channels, and whether with or without parents or family, may represent a child’s only or best chance of accessing basic rights set out in the CRC.”\(^{71}\)

According to an EMN study of 2009\(^72\), the motives identified and/or reported by the states for the entry of unaccompanied children are various and interconnected. They include, \textit{inter alia}, persecution, the need for protection/asylum, family reunification, economic reasons, joining of the migrant community, transit, trafficking, smuggling, medical reasons, abandonment, runaways. Reasons of entry for each country are outlined below:

\(^{70}\) UK Albanians Network, http://www.ukalbanians.net/shpresa-programme-a-true-hope-for-unaccompanied-minors/

\(^{71}\) Julia O’Connell Davidson and Caitlin Farrow, Child migration and the construction of vulnerability, School of Sociology and Social Policy, University of Nottingham, for Save the Children Sweden, 2007, p. 22.

\(^{72}\) European Migration Network Unaccompanied Minors - an EU comparative study.

This EMN Synthesis Report summarises the main findings of National Reports produced by twenty-two of the EMN National Contact Points (EMN NCPs) from Austria, Belgium, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Netherlands, Malta, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden and the United Kingdom, principally covering the period up to mid-2009.
Profile of the situation of unaccompanied minors and efforts for social inclusion

Persecution/ Protection (asylum): United Kingdom, Sweden, Slovenia, Poland, Portugal, Malta, the Netherlands, Lithuania, Italy, Ireland, Hungary, Greece, Germany, France, Finland, Estonia, Czech Republic, Belgium and Austria.

Family reunification: Poland, Malta, Ireland, Finland, Czech Republic and Belgium

Economic reasons, aspiration to a better life: United Kingdom, Spain, Slovakia, Portugal, Poland, the Netherlands, Italy, Ireland, Hungary, Greece, Germany, France, Czech Republic, Belgium and Austria

Joining the migrant community/Diaspora: Portugal, Germany, Czech Republic and Belgium

Transiting: Slovenia, Slovakia, Malta, Lithuania, Latvia, Hungary, Greece, Czech Republic, Belgium and Austria

Trafficking: Poland, the Netherlands, Ireland, France, Finland, Belgium and Austria

Smuggling: United Kingdom, Spain, Slovakia, the Netherlands, Ireland and Czech Republic

Medical reasons: Ireland and Belgium

Abandonment: Poland, Hungary, Czech Republic and Belgium

Runaway: The Netherland, France, Czech Republic and Belgium

One of the questionnaire questions is related to the reasons why has the minor chosen a certain country of destination. Answers for the cases of Italy are as follows:

- 5 of 22 minors have chosen that as a country, because they know someone there;
- 11 of 22 minors have relatives there;
- 22 minors have chosen Italy, because they have been offered a job, an opportunity or support;
- 6 of the 22 minors have chosen Italy, after receiving positive information about the opportunities offered in this country;
- 3 of 22 minors have chosen Italy because it is easy to enter the country;
- 5 of 22 minors have made this choice because a minor cannot be deported from Italy and, thus, they can be granted a stay permit;
- 9 of 22 minors have chosen Italy, because they were convinced of the real opportunities there.

According to the respondents in Kukes, reasons for choosing the United Kingdom have to do with the big community of Albanians established in that country and the relatives minors have in the country.

According to EMN, the quest for a better life is more an aspiration of the unaccompanied children parents. An accompanied child may be “chosen” by the parents to travel to a member country, live the dream they had and/or benefit from the education that is not available in the country of...

---

73 European Migration Network Unaccompanied Minors -an EU comparative study, p. 22.

74 To the question whether the minor has any relatives or acquaintances there, 18 families answered positively, whereas in the two other cases, no such relative was the motive to go.

75 It includes the case of the girl.

76 Others: (one was only four years old).

77 Main activists of the London-based Albanian community in 2008 believed that their number had increased to 100 000. Zana Vathi, Albanians’ Migration to London after 1990, Sussex Centre for Migration Studies, University of Sussex. Published in “Përpijekja”, vol. 26-27, pp. 156-164.
origin. Often, parents hold high expectations of the unaccompanied minor, particularly when it comes to money remittance. Lack of prospects in the country of origin, the disastrous living conditions, missing resources, together with the need to financially help the family, can be considered as “pushing factors”. When it comes to “pull factors” instead, EMN refers to Italy’s example, for the positive image that is depicted by the friends and relative who have emigrated to EU and by the media, particularly via TV broadcasts in the country of origin78.

Reports from the 22 cases emigrated to Italy indicate that, except for one minor who has left with the family at the age of 4 to be left unaccompanied afterwards, arrangements have never been done without the minor’s consent and awareness.

One of the 9 respondents in Kukes has said that the minor has been “chosen” by the parents:

He is the eldest, so he has to go and make some money to send us here. He was willing to go, too, as he saw we could hardly make it.

From the in-depth analysis of the 22 cases, it results that, except for one of the minors who had travelled with his parents at the age of four, all the others have mentioned more than one reason pushing them to migrate. Hence:

- 14 have emigrated to improve the economic situation of their families;
- 19 wanted to benefit from the opportunities that could not be offered at their country of origin;
- 12 wanted to find a better job;
- 7 wanted to make money for themselves;
- Due to conflicts between the minor and family members;
- 1 due to the conflicts with the community79;
- Due to medical issues80;
- 1 because of what the society said81.

From interviews with some of the respondents in Kukes, we learned the following:

Conversations were confidential. Reasons mentioned include missing labour opportunities, economic conditions and uncertainty for the future.

Well, part of the purpose was education. The education system is not qualitative, and one school director here has sent his child abroad, like the others.

78 European Migration Network Unaccompanied Minors -an EU comparative study.

This EMN Synthesis Report summarises the main findings of National Reports produced by twenty-two of the EMN National Contact Points (EMN NCPs) from Austria, Belgium, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Netherlands, Malta, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden and the United Kingdom, principally covering the period up to mid-2009.

79 He was ridiculed by friends, according to his relatives.

80 The minor hoped to find a better paid job, in order to send money home to his father, so that he could cover medical expenses. Following visa liberalization, the minor had gone to Greece with his father for two consecutive summers, and had worked in agriculture to earn money for his father to afford medical examinations.

81 Another unaccompanied minor, a relative of his father, had told him of the accommodation conditions at a centre in Milan.

82 Interview in Kukes.
We don’t know the reasons, but, perhaps, school might be one.

Someone may have left also because of the blood-feud. I sent both my children away as I am involved in a blood-feud. I’d rather they killed me, than the children.

Children are sent away via regular routes. All the children travel to Belgium or France accompanied by parents or relatives. There, they are reported as beaten or abused by parents.

One of the interview questions was: “What did the minor complain about, before leaving?”

Answers for the 22 cases in question were that the minor was not happy with/complained about:

- School (14);
- Employment opportunities (8);
- Wages (3);
- Other members of the community (1);
- Relationship with parents (7);
- Economic conditions of the family (14);
- Health situation of family members (2).

According to their family members, none of the minors has ever complained of lack of work, relationships between siblings or life with the community.

Ways of departure

Almost half of the minors have travelled accompanied by their parents and relatives. Twenty-one have travelled regularly, with a passport.

As shown in the chart, three minors have travelled alone, with two taking the ferry (Fier-Vlora-Brindisi-Florence and Durres-Bari-Milan routes) and one the plane (Tirana-Rimini).

In five of the cases, relatives have said they do not know whom has the minor travelled with.

Respondent in Kukes.
Profile of the situation of unaccompanied minors and efforts for social inclusion

United Nations Support to Social Inclusion in Albania Programme

towards Italy.

It is unclear whether the interviewed relatives are truly in dark when it comes to the accompanying individuals or they are just pretending not to know. However, data from Kukes indicate that there is hesitation to provide details:

*I don’t know anything about those trafficking routes. His father took him up to a certain place and, then, I don’t know what happened and with whom did he leave him. (Parent, grandfather in Kukes)*

In all the cases, parents have said they were very much worried about their children, but no problems during the children’s travel have been reported in any of the reviewed or interviewed cases in Kukes.

Asked about “how was the trip to Italy organized,” two families responded they did not know. Where families have knowledge in that regard, they say that in six of the cases it has been the minor himself who organized the travel, whereas in 11 cases the travel has been arranged with the help of parents, in 12 cases with the help also of the relatives and in two with the help of friends. In no case has the travel been organized by a travel agency.

<table>
<thead>
<tr>
<th>By the minor himself</th>
<th>With parents’ help</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Organized</em></td>
<td><em>Unorganized</em></td>
</tr>
<tr>
<td>6</td>
<td>16</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>With the help of relatives</th>
<th>With the help of friends</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Organized</em></td>
<td><em>Unorganized</em></td>
</tr>
<tr>
<td>12</td>
<td>10</td>
</tr>
</tbody>
</table>

| *Organized* | *Unorganized* |
| 11 | 11 |

| *Organized* | *Unorganized* |
| 20 | 2 |

It is reported that in Kukes region, the travel is organized through the parents, who seek and establish contacts with those who arrange the transit from Belgium or France to the United Kingdom. In one of the cases, it is reported that contacts were established from Albania:

*I took my son to Kukes and then I left him with someone who knows about these things. It was him who took care about everything, documents and all included. That’s how he had made the deal, since I don’t know anything of it. I don’t know of the route he followed; my son doesn’t either. I can get lost even if you even take me to Tirana.*
Travel fees

Of the 22 families of minors who have left to Italy, seven are still in debt for the trip of their children to their relatives and one family has taken a loan. Three of the families are not clear whether they owe anything for the trip.

*It is quite an expensive undertaking. I have been told that the cost amounts to Euro 7000-8000, but they think they will have a return, as the child will work one day. I don’t believe they send money; they are not allowed to work.*

Links to migration

Half of the reviewed minors had other adult migrants in the family, whereas 6, 27 per cent had minor relatives in migration for the last 10 years and in three cases, the minor had both minor and adult migrants in the family.

Data from Kukes region indicate that no one has sent their children away without having a relative abroad.

Families meeting minors’ clothing needs

**Clothing:** 19 of 22 families state they are able to meet their clothing needs

**Education:** Of 22 minors, 8 have dropped out of school to emigrate.

Of 22 families, 21 are able to meet the needs for compulsory education, whereas 13 can meet the needs for secondary education.

---

84 Interview in Kukes.
Profile of the situation of unaccompanied minors and efforts for social inclusion

United Nations Support to Social Inclusion in Albania Programme

Transport: All of the 22 families have access to public transportation means, but only 16 can afford its costs. As for private means of transportation, only one out of the 22 families is reported to own/use its own private vehicle, one owns/uses a bicycle, 2 own/use motorcycles and one uses a donkey/horse.

Health and medical assistance: Of the total 22 families, 20 manage to meet their needs for basic medical assistance and only 3 can meet the needs for specialized medical assistance.

Housing and residence: At the moment of departure, the majority of the minors used to live in the village.

In terms of housing, 15 of the 22 families live in a single family unit, three in flats and 4 in barracks.

85 Meet their needs for public transportation.
Of 22 families, eight meet housing needs, but only 3 are able to meet the needs for maintenance and four the furnishing needs. Of 22 houses, only 14 are equipped with a bathroom inside, 18 are supplied with drinking water, 5 are connected to the sewerage system, 17 have electric energy connection, whereas none of them is equipped with fixed telephone line and 16 have mobile phones. Twelve of the houses have a cooking space and only 7 have bedrooms (see the charts below).
Youth leisure time

While reviewing Italy’s cases, the following data result:

- Stayed with their peers: 14
- Played sports: 3
- Navigated the internet\(^{86}\): 1
- Listened to music: 0
- Watched TV: 0
- Read: 0
- Did not have much of a spare time, as they worked: 4
- Did nothing, stayed inside: 2.

---

\(^{86}\) Three of 22 houses are equipped with computers, whereas two have internet connection
During the interviews with the relatives in Kukes, it was reported that the children had no spare time and not even any possibility to use the spare time at that:

*Children here work, they work all the time; there’s no Saturday, Sunday or summer holidays for children here. They do not even know what the sea or the beach is like ...*
4. Efforts for social inclusion

Information on the efforts for the social inclusion of Albanian unaccompanied children includes endeavours both in Albania and the country of destination.

Inclusion of Albanian unaccompanied children in destination countries

According to the prestigious child protection agencies, all children are entitled to protection and care under a broad range of international, regional and national instruments. Of particular relevance for separated children are: the right to a name, legal identity and birth registration; the right to physical and legal protection; the right not to be separated from their parents; the right to provisions for their basic subsistence; the right to care and assistance appropriate to their age and developmental needs; the right to participate in decisions about their future.\(^{87}\)

According to SCEP\(^{88}\), the principles that have to be kept in mind throughout all stages of identification, care, decision-making and service provision for separated children include the best interest of the child, survival and development, non-discrimination, participation, information, interpretation, confidentiality and respect for cultural identity, inter-organisational cooperation, staff training, durability, timeliness.

Again, SCEP indicates that the relatively high number of separated and unaccompanied children arriving to or moving across Europe constitute a real challenge for the states. Such challenge involves mobilization of the resources to offer the newly arrived adequate care and support, to trace their families and decide what’s best/in the best interest of the child, in order to find a durable solution. This number challenges the State’s bid to observe the obligations deriving from the Child Rights Convention (CRC), the European Charter of Fundamental Rights and the EU Regulation\(^{89}\).

---


88 Separated Children in Europe Program. According to the Statement of Good Practice, SECP 4th review has started as a joint initiative of some of the members of the Save the Children and UNHCR alliance, which has grown to actually include many non-governmental partners across Europe, who keep working closely with UNHCR.

89 UNHCR & UNICEF Safe & Sound, What states can do to ensure respect for the best interests of unaccompanied and separated children in Europe.
Generally, the minors who live (lived) in Italy preserve their contacts with the families. Of the 22 minors in question, one keeps daily contacts with the family, 13 keep weekly contacts, 5 biweekly contacts and 3 monthly contacts.

Family members in Kukes region said that they usually communicate with their children sufficiently, except for one who stated he could not call the foster family freely and that the child could call only with their permission.

Minors who are in Italy have never raised any concerns with their parents. At least 19 of them have not reported any problems since their arrival, whereas 2 have expressed the wish to come back to Albania to meet their relatives whom they have not seen in years. One of the minors is concerned over the mother who is violated by his father, whereas 6 of the minors miss their families.

Even minors living in the UK have not reported any problems with their situation. According to a parent:

“There is no problem whatsoever. He’ got to endure; we made all that sacrifice for him ...”

The right thing in some cases is to prevent children from living and entering the labour world prematurely. At the same time, it should not be taken for granted that all children under 18 years of age should stay home.

Inclusion of Albanian unaccompanied minors in Albania

Differences of opinion are noticed between governments and non-governmental organizations with regard to the response to unaccompanied children, as highlighted by researchers of this phenomenon. While the governments of industrialized countries appear convinced that the best response to unwanted migrant children is to send them back to where they came from, NGOs which have substantial experience of caring for such children, both as migrants in Europe and after they arrive back in their countries of origin, have very different views.

A recent study on the children in movement concludes that the social protection system in Albania is unable to properly identify and address issues of concern to their protection of the children. According to the study, the existing system fails to offer any mechanism for the early identification of the needs of these children and there are no protocols in place that would assist such children both inside and outside the country and to make sure that they benefit from qualitative services, without being restricted by their geographic location.

Information sources for the profile report that the standard operation procedures for the victims of trafficking related to the return in the border includes the minor unaccompanied children in the system and offers the chance of inclusion to other children deemed in need of assistance and protection. According to the SOPs, the way to ensure such inclusion is through notification of the Responsible Authority for Victims of Trafficking, but the current practice indicates that in most of the cases, when the minor is not considered as a potential victim of trafficking, authorities just call the family to retrieve them.

90 His father in prison
91 Dottridge Mike, (2008), Kids abroad: Neglect them, abuse them or protect them? Lessons on how to protect children on the move from being exploited.
92 Dottridge Mike, (2008), Kids abroad: Neglect them, abuse them or protect them? Lessons on how to protect children on the move from being exploited, p. 42.
93 TDH & Save the Children (2014), Children on the Move in Albania, Response of Child Protection System to their needs, Situational Analysis.
94 SOPs, p. 26.
Asked whether the minor has ever indicated that someone or something might change his/her emigration plan, the parents of minors in Italy answered that none of the 22 cases has ever considered to return from Italy to Albania or to move from Italy towards other states. Additionally, no one of the 22 minors thinks of returning in a few years. Interviews did not report of any cases where parents declared they would not receive their children. However, the review of the cases involving unaccompanied minors moving to Italy revealed that the majority of the concerned family members are reluctant to do so.

With regard to the question, “If the minor wanted to come back home, would the family accept his/her return,” family members did not answer in three cases, whereas in one case, they did not know how to answer, since the family lives in Greece. Further, of the 22 families, eight answered they would accept their children, 9 others said they were not sure they would, whereas one family stated they would refuse to accept their child returning.

<table>
<thead>
<tr>
<th>Return of minor, family reaction</th>
<th>8</th>
<th>9</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>8</td>
<td></td>
</tr>
<tr>
<td>Not sure whether they would accept returned children</td>
<td>9</td>
<td></td>
</tr>
<tr>
<td>No</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Don’t know the answer</td>
<td>1</td>
<td></td>
</tr>
</tbody>
</table>

Information obtained from the destination countries on those interviewed by the police and service providers is key to develop plans for the inclusion/integration of the children who want or are due to return. However, such information is limited and inaccurate, at times.

A study on the children in street situation reports that Greek and UNSC resolution 1244-administered Kosovo authorities keep deporting Roma families and unaccompanied children, at a time where the process of deportation is not compatible with the international conventions or agreements signed between countries, with Greece in 2008 and Kosovo in 2012.

According to a Joint Order of the Ministry of Social Welfare and Youth and the Ministry of Interior, the child integration plan is determined based on the parents’ statement “On the Reception and Readmission of Unaccompanied Minors,” and on the assessment of the family by the regional SSS office.

With regard to the relevance of the family assessment in the decision on a minor’s return, where requests of return/readmission are filed, it has been reported of cases where its role is diminished, if at all inexistent. There have been several instances in which a declaration from the parents saying they accept their child back has been enough for the border police, with the latter failing to ask for an assessment. In other cases, the assessment has been but a brief summary that has been further sent to the requesting party, instead of a fully-fledged review. In one case, a diplomatic office worker has stated: “I feel embarrassed to show the pictures of the family situation.”

95 All, except for one who, however, states he will come back just to meet his father, whom he has not seen being in prison since 2003 and because his sister is getting married.

96 In some cases, the return is un-notified and involuntary.

97 “Hereinafter referred to as Kosovo/UNSC 1244.”

98 National Study on Children in Street Situation in Albania, a report prepared by ARSIS, GKF Albania and the international expert commissioned by UNICEF and Save the Children (April 2014).
Proper assessment takes time and expertise to be conducted.  

In one case we were required to assess the situation of a minor to return from France. The court had made the decision following the bone test that showed an individual of 21 years of age. We had to check the system to learn when had the person left the country or what his civil status was. Further, we even talked to the parents and found that he was 17 years old. We sent this information and the boy was not returned.

Another concern voiced in the course of the profiling has been also that of the failure of Child Protection Units to be involved in the pre-return assessment and post-return support. The order (point 7) requires that SSS conducts the assessment and, while preparing the return, close cooperation is established with non-governmental organizations to assist the family.

The profiling information sources further raised question as to what should be done in those cases where the family either refuses to accept the minor or has no conditions at all to ensure his/her proper growing up and development.

We are talking about a significant number and the majority of the minors include boys of 16-17 years of age, and, in case they are victims of trafficking, we lack adequate sources to ensure their accommodation in residential centres.

The international experience shows that, usually, children do not prefer to stay in residential centres, when the latter fail to provide proper protection and durable solutions.

Respondents consider that punishment of parents for abandoning their children is a measure that needs careful consideration and implementation, as, in certain cases, parents declare they refuse to have their children back in the hope that this will allow the minors to stay in the country of destination, whereas in other cases they had no other choice for the child and suffer about that.

This is a shock for the families. They may feel good just for a couple of days, but then they miss their child at home.

In five of the cases, parents faced major health issues that were either financially unaffordable or that made them incapable of tending to their children and family.

According to Terre des Hommes and Save the Children, the negative consequence of movement which the child protection system should focus on are related to the registration. The lack of registration results in limited access to health, in particular of immunization and educational services, especially for Roma children, social protection programs, etc., which lead to abuse and exploitation.
With reference to the data on minors in Italy, it has been noticed that, in case of return, the majority of the children families would need support for vocational courses, working tools, livestock. Detailed data in that regard are provided below:

- 8 of the 22 minors’ parents request scholarships for their children;
- 9 of the 22 minors’ parents need support for vocational courses for their children;
- 2 of the 22 minors’ parents want the degree obtained in Italy to be recognized;
- 8 of the 22 minors’ parents need support for school transport for their children;
- 10 of the 22 minors’ parents would need to buy livestock for their family;
- 5 of the 22 minors’ parents would like to buy seeds for their family activity;
- 4 of the 22 minors’ parents would like to buy materials, working tools for their family activity.
5. Recommendations

Development of a platform dealing with the issues concerning unaccompanied minors and setup of standard identification and protection procedures for the Albanian and foreign unaccompanied children that is in accordance with the SOP design process. The platform in question should build on and include:

- Establishment of a working group which will be in charge of reviewing the cases of arbitrary return (unregistered children, abused children), cases of minors separated from their parents arbitrarily, return without an in-depth assessment, cases of mistreatment in the destination or transiting countries and of further determining a line of official and diplomatic reaction, in compliance with the international obligations for the protection of children rights;
- Establishment of a working group that will deal with the identification of the foreign unaccompanied minors and examination of their treatment practice in Albania;
- Enlargement of the network of institutions dealing with the identification, referral, reception, reintegration of the unaccompanied Albanian minors, particularly with the involvement of the diplomatic representation offices, child protection units, and schools, in a quest to increase their responsibility into knowing exactly who are the minors who have left the country, their families, their living conditions and the extent to which the family has been involved, etc.;
- Assigning in details the tasks of stakeholders for the management of cases and work performance measurement;
- Ensure a proactive approach in place for identification;
- Recognise and observe the national standards for the treatment of unaccompanied minors, in particular those provided for by the General Comment No. 6;
- Establishment of a system of identification and reflection of the number of both Albanian unaccompanied minors abroad and foreign ones in Albania;
- Immediate and specialized review of the Readmission Agreement/Protocols signed by Albania in the light of the rights of unaccompanied minors and, in particular in the spirit of the non-refoulement principle and of the children right to an assisted voluntary return;
- Review of the trafficking indicators, in a way as to ensure their efficiency in identifying children victims of trafficking, the group of children on the move (including unaccompanied minors) and organization of trainings to teach the distinction between trafficking and smuggling;
- Discussion and elaboration of an information platform (awareness raising campaigns) that is comprehensive, accurate, detailed and positive, targeting: a) children, b) parents, c) service providers;
• Training of officials involved with the multidisciplinary assessment of the situation, prior to children return;
• Conduct of continued assessments followed by clear plans of assistance designed for returned children and their follow up;
• Identification and development of the alternative care (not only residential centres) for unaccompanied and separated minors, whose families are unable to tend to;
• Development of a child and family friendly prevention strategy;
• Review/examination and establishment of a guardianship system for the foreign unaccompanied minors.
ANNEX 1

EU Financial Support

According to the European Commission, the funding sources for unaccompanied minors are as follows:

**European Refugee Fund** finances actions relating to unaccompanied minors who are asylum seekers, refugees or have subsidiary protection status, as well as EU States’ resettlement activities.

**European Integration Fund** finances activities facilitating unaccompanied minors’, who have the right to stay in the EU, integration into their host society.

Both the Refugee and Integration Funds prioritize activities related to unaccompanied minors, qualifying them for higher EU co-financing (75 per cent instead of 50 per cent).

**European Return Fund** finances projects that provide for post-return monitoring and follow-up, including on child victims of human trafficking, for family tracing activities in the context of return to reunify children with their parents, for the reintegration of returnees (supporting families and communities), for the management of return by country of origin authorities and for creating study and training opportunities for returned minors in their countries of origin.

**Specific Programme “Prevention of and Fight against Crime”**, and its targeted call for proposals on trafficking in human beings, supports EU efforts in eradicating trafficking in human beings, including actions related to unaccompanied child victims.

**Pilot Project on Unaccompanied Minors** finances, through calls for proposals, actions that aim at identifying good practices on prevention, reception, protection and integration policies for unaccompanied minors. It contributes to the implementation of the EU Action Plan on Unaccompanied Minors (2010-14).

---

Questionnaire for service providers and police officers

1. Which is the state structure who actually handles or is responsible of handling Albanian and foreign unaccompanied children?
2. What is the number of Albanian and foreign children travelling unaccompanied we are talking about?
3. Are these children dispatched?
4. What are the reasons for the children migration; “push and pull” factors?
5. Areas of origin?
6. What are the transit and destination countries?
7. Where and how does the seasonal migration of unaccompanied children happen?
8. What is the economic situation of the families of unaccompanied children?
9. What is the prevailing gender and age?
10. Return of unaccompanied children: what is their number, how are they organized and what are the applied procedures?
11. Have there been cases of return of unregistered children and what were they like?
12. What does it take to improve children return?
13. Are there changes in the flow of UAMs?
14. What is the procedure that would prevent the UAMs phenomenon?
15. Have there been campaigns organized to deter the phenomenon?
16. What are the services provided for returned children?
ANNEX 3

Standard 1: **The guardian advocates for all decisions to be taken in the best interests of the child, aimed at the protection and development of the child.**
The guardian is able to advocate, assess and adjust the best interest of the child on a regular basis, involves all relevant actors and ensures that the assessment of the best interest of the child is based on the views of the child and the individual circumstances.

Standard 2: **The guardian ensures the child’s participation in every decision which affects the child.**
The guardian provides information in a child friendly way and checks if the child understands and recalls the information, listens carefully to the child and ensures plans are based on the views of the child and shared with the child, is open to feedback and manages expectations.

Standard 3: **The guardian protects the safety of the child.**
The guardian gives the highest possible priority to the child’s safety, knows the signals of child abuse and trafficking, acts and reports upon signals of any harm or danger, ensures the child knows he/she is welcome to voice anything concerning his/her safety, only breaks the confidentially norm when a child is at risk, ensures victims get appropriate treatment and is open to being monitored on own behaviour.

Standard 4: **The guardian acts as an advocate for the rights of the child.**
The guardian is an assertive, committed watchdog, dedicated to defending the rights of the child, shows emotional strength, opposes decisions which are not taken in the best interests of the child and pursues fair procedures concerning the child.

Standard 5: **The guardian is a bridge between and focal point for the child and other actors involved.**
The guardian keeps in contact with all relevant actors, ensures to be informed about all decisions which have an impact on the child and is where necessary present at meetings, assists in establishing links with the child’s community and developing relationships that give the child a sense of belonging to a family or group.
Standard 6: The guardian ensures the timely identification and implementation of a durable solution.
The guardian ensures the identification of a durable and safe solution and challenges others to prove that their proposed solutions take the best interest of the child as a primary consideration, supports the reunification of the child with his/her family and supports the integration of the child in the host country when this is in the best interest of the child, defends safety guarantees when a child is returned and prepares the child for all predictable changes which will occur after turning eighteen.

Standard 7: The guardian treats the child with respect and dignity.
The guardian demonstrates appropriate behaviour, treats the child unprejudiced with respect to the child’s identity, privacy and cultural differences, supports the child in developing peer relationships and shows a flexible approach tailored to the individual needs of the child. Standard 8: The guardian forms a relationship with the child built on mutual trust, openness and confidentiality. The guardian is always honest with the child, keeps his/her promises and keeps all information confidential unless it is necessary to break confidentiality to keep a child safe, pays attention to verbal and nonverbal communication, is empathic towards the child and gives moral support and makes clear to the child that a child who disappears is always welcome to return.

Standard 9: The guardian is accessible.
The guardian can be reached easily, lives near enough of the child to be able to respond quickly to difficulties, sees the child as soon as possible after his/her appointment and pays visits to the child on a frequent basis and communicates in a way which fits the age and development of the child, making use of interpreters whenever necessary and contacts the child to keep in touch also when there is no specific need to do so.

Standard 10: The guardian is equipped with relevant professional knowledge and competences.
The guardian is proactive in identifying learning and development needs, manages his/her caseload and available resources, is accountable, works according to a set methodology, knows personal and professional limits, seeks support and counselling whenever necessary and is open to supervision and monitoring.
ANNEX 4

European Migration Network Unaccompanied Minors - An EU Comparative Study: This EMN Synthesis Report summarises the main findings of National Reports produced by twenty-two of the EMN. National Contact Points (EMN NCPs) from Austria, Belgium, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Netherlands, Malta, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden and the United Kingdom, principally covering the period up to mid-2009.

3.2.6 Return

The Return Directive on common standards and procedures in Member States for returning illegally staying third-country nationals obliges a Member State, before deciding to issue a return decision, to grant unaccompanied minors assistance by appropriate bodies other than the authorities enforcing return. Furthermore, before removing an unaccompanied minor from the territory of a Member State, the authorities of that Member State have to be satisfied that he or she will be returned to a member of his or her family, a nominated guardian or adequate reception facilities in the country of return. Where necessary, Member States are required to extend the period for voluntary departure by an appropriate period, taking into account the specific circumstances of the individual case, such as the length of stay, children attending school and the existence of other family and social links. During this period, it is incumbent on a Member State to ensure that the following principles are taken into account as far as possible in relation to third-country nationals: (a) family unity with family members present in their territory is maintained; (b) emergency healthcare and essential treatment of illness are provided; (c) minors are granted access to the basic education system subject to the length of their stay; and (d) special needs of vulnerable persons are taken into account.

With regard to detention, the Directive contains specific safeguards providing that unaccompanied minors and families with minors shall only be detained as a measure of last resort and for the shortest appropriate period of time. Unaccompanied minors are, as far as possible, required to be provided with accommodation in institutions provided with personnel and facilities which take into account the needs of persons of their age.


3.2.7 Readmission and Other Agreements: Minors are fully covered by the scope of the EU
readmission agreements currently in force or those being negotiated, although they do not contain any specific provisions regarding protection of minors. However, since readmission agreements are applicable only following the accomplishment of a return procedure, an unaccompanied minor will first be in the position to use all the safeguards provided for in the aforementioned Return Directive.

Once an EU Readmission Agreement is concluded this supersedes bilateral readmission agreements that any Member State, subject to the EU agreement, has. There are, however, also bilateral agreements on unaccompanied minors that are not purely readmission agreements. For example, sixteen so-called Benelux Agreements have been signed by Belgium, together with the Netherlands and Luxembourg, as well as Memorandums of Understanding (MoUs) or administrative agreements.

In 2008, Greece ratified a bilateral agreement with Albania for the protection and assistance provided to minors who are victims of trafficking, which inter alia sets out obligations, in case of return, for the proper preparation of the family and the minor, the safe return and the respect of the minor’s interests. Bilateral agreements specifically addressing unaccompanied minors also exist between Spain and Morocco (pending ratification) and between Spain and Senegal (ratified).