



Manual for child protection workers, members of the Cross-sectoral Technical Group in Lezha and Durrës for the management of cases of Unaccompanied and Separated Foreign Children and their protection from exploitation and sexual violence.



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This manual was drafted by:

Zyhrada Kongoli, Freelance Legal Consultant

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Note:

This manual is not a binding act, but the regulations and procedural steps provided herein are of an explanatory nature and are based on the relevant legislation in force. This document aims to ensure a uniform understanding on the part of child protection structures and to provide tools to realize the correct and harmonized implementation of the relevant legal provisions.

In any case, legal regulations take precedence over the content of this document and should be consulted in case of doubt. For this purpose, the manual also provides relevant legal references.

Acronyms

GTN	Cross-sectoral Technical Group
FHPN	Unaccompanied and Separated Foreign Child
LGBTI	Lesbian, gay, bisexual, transsexual, intersex
NPO	Non-profit organization
UN	United Nations Organization
CRC	Committee for Children's Rights
NJVNRR	Needs Assessment and Case Referral Unit
NjMF	Child Protection Unit
LGU	Local Self-Government Units
PMF	Child Protection Officer
RoA	Republic of Albania
QPA	Reception Centre for Asylum

Definitions

For the purposes of this manual and in accordance with the regulations in the relevant legislation, the following terms will have these meanings:

"Child" is any person under the age of 18. In the case where the age of the person is impossible to determine correctly, but there is reason to believe that the person is a child, he/she is considered a child for the purposes of this manual until the age is determined according to the legislation in force.

"Unaccompanied child" is a foreign citizen or stateless person under the age of 18, who enters the territory of the Republic of Albania unaccompanied by an adult, responsible for him, according to law or according to tradition, or is left unaccompanied after having entered the territory of the Republic of Albania and for as long as he/she is not effectively under the care of such a person.

"Separated child" is a child under the age of 18 who is outside the country of origin and separated from both parents or his former legal or customary guardian.

"Child protection" is the prevention and response to child violence, abuse, exploitation and neglect, including abduction, sexual exploitation, trafficking and child labour.

"Legal guardian" is the person appointed by the court for the unaccompanied child, who acts in the name and on behalf of the latter during the entire procedure of determining the status of international protection or only for the performance of a certain procedural action, unless when the law requires the applicant to personally perform a certain procedural action.

"Sexual exploitation" is any actual or attempted abuse of a position of vulnerability, differential position of power or trust for sexual purposes, including but not limited to financial, social, or political gain from the sexual exploitation of another.

"Sexual abuse" is actual or threatened physical interference of a sexual nature, whether by force or occurring under unequal or coercive conditions.

Foreword

This manual is intended to serve as a working document and provide, in a concise manner and in accordance with the relevant legal framework in force, the procedures that must be followed by the Child Protection Officer (CPO) also as part of the Cross-sectoral Technical Group (GTN) for the management of cases of Unaccompanied and Separated Foreign Children (FHPN) in order to protect them from violence and sexual abuse.

This manual is primarily intended to help frontline workers operating in Lezha and Durrës where, since August 2021, around 4,000 Afghan citizens have been temporarily settled, among whom a considerable number of children. The target group of this manual is Afghan children, but it is valid for all PMFs managing cases of children separated from their parents and families because of situations of conflict and population displacement.

This document considers, as far as possible, the specific circumstances and difficulties of FHPN which are related mainly to the limitations they have due to their personal situation, age, and ability to understand and be aware of their right to request the implementation of their rights recognized by law. An added difficulty to be considered in these cases is the restriction such children have for not understanding the language of the country they are settled.

From the point of view of situation management, mass influxes, of which the FHPNs form a significant part, present additional difficulties related to insufficient human, infrastructural and financial resources. In many cases, there is a lack of emergency plans for the management of influx situations. Such plans should include financial estimates as well as additional resources for managing the situations. Recent developments, such as the war in Ukraine, have made peace and security more unstable, thus increasing the influx of migratory movements.

For these reasons, this manual aims to facilitate as much as possible the work of frontline workers, mainly PMFs, by providing in a concise manner the relevant legal regulations that must be applied in relation to case management, referral and ongoing monitoring.

The procedures summarized in this document aim at effective case management by PMFs to provide protection for unaccompanied and separated Afghan children and, in particular, protection from sexual exploitation and abuse.

The manual is also based on the previous experience of frontline workers in relation to the management of FHPN cases, but also on the best practices of other countries. Taking appropriate and coordinated actions at the initial stage of identification of FHPN is a prerequisite for effective protection from risks that can harm the life, health, morals, and normal development of the child.

Although the manual is designed to serve PMF, in the role of front-line professionals, providers of public services, as far as possible this manual will also guide the work of non-public actors and non-profit organizations to ensure coordinated and effective efforts in addressing the diverse needs of FHPN.

Objective

The purpose of drafting this manual is the effective and uniform implementation of relevant legislation and requirements related to the observance of the rights and protection of children under the FHPN category.

The concept of protection includes all activities aimed at the full observance of the rights of the children as provided for in the legal framework in force for asylum, for the protection and rights of the child, social care services, education, and social welfare.

This manual is intended to serve as a comprehensive guide and to offer a concise regulatory framework containing procedural steps to ensure effective protection in the FHPN case management process. It will also serve as an instrument for the activation of the integrated protection system and to ensure effective interaction of the necessary services in all areas, especially those of social welfare, health, and safety in order to prevent and respond to the risks these children are faced with especially from sexual exploitation and abuse.

The manual contains the procedural actions, the deadlines for their realization, the types of support provided by the identification of the FHPN and the case referral procedures. This manual also identifies the responsible institutions for all the described actions. In addition to public institutions, civil society organizations and the communities where these children are placed have a very important role in the management of FHPN situations. The success of managing complex situations requires more involvement, skills, knowledge, as well as human, infrastructural and financial resources.

Protection from sexual abuse and violence

Another important objective of this document is to protect FHPN from sexual violence and abuse by services offered by the primary and support service providers. This is a very critical aspect of aiding and providing services to this vulnerable category of beneficiaries, who in many cases have had previous history of violence or abuse.

Due to the high sensitivity of the issue of protecting and ensuring the rights of the child, but also the exposure of this vulnerable category to violence and abuse, the law on the protection and rights of the child has defined eligibility or exclusion criteria for employees working in child protection structures as well as employees of other institutions or agencies that work with children. In implementation of the law on the rights and protection of the child, more detailed criteria have been approved for the employment of personnel working in child protection structures and personnel who work with children¹.

The by-law expands the circle of people who work with children to include professionals who work as social workers or psychologists and defines what the circle of workers who work with children includes. In addition to employees of child protection structures that are easily identifiable, the category of employees who work with children includes those employees who work in other institutions, not only public but also private, whose work, whether paid or voluntary, involves direct contact with the children. The law also defines what is considered direct contact, which can be physical if they are in a space with the child or verbal, written or electronic.

Among the professional eligibility criteria, the law also provides for ethical criteria, the requirement to have a clean criminal record, as well as have adequate training and certifications in the field of child rights protection.

Albanian legislation recognizes and refers to the role and need of cooperation with UNHCR. The United Nations has given special importance to the risk of violence and sexual abuse in emergency situations. For this purpose, UNHCR and its partner organizations have created mechanisms that prevent and sanction

1 CMD No. 186, dated 04.04.2019, "On the criteria for hiring employees of child protection structures and employees who work with children"

In more detail, the Bulletin of the Secretary-General of the United Nations² provides for special measures for protection from violence and sexual exploitation and the duties of various units of the organization to act proactively, create and ensure an environment that prevents violence and sexual abuse.

2 https://www.unhcr.org/protection/operations/405ac6614/secretary-generals-bulletin-special-measures-protection-sexual-exploitation.html#_ga=2.185321774.666956443.1658502275-699027388.1658502275

Principles

In addition to the universal principles in the field of child rights protection and the specific principles referred to in the social care services law, the manual is closely based on the following principles:

The principle of the best interest of the child: Public and non-public authorities and their employees have as a primary consideration the best interest of the child in all actions and decisions taken regarding the child. This principle should also be taken into consideration by the Cross-sectoral Technical Group when deciding on the best interest of the FHPN. In applying this principle, they must consider the special situation of the child in relation to the fact that he is unaccompanied and separated, the circumstances of whether he has had a previous history of violence, abuse, neglect, exploitation, or other forms of violence as well as the potential risk of exploitation and sexual violence.

The principle of family reunion: The child who belongs to the FHPN category should be offered services aimed, among other things, at their family reunion, giving more priority to the most injured children and those who are more vulnerable to the risk of exploitation and sexual violence.

The principle of inclusion and active participation of the child: Throughout the process of ensuring protection for FHPN, the participation of the child must be guaranteed by listening and respecting his opinion in accordance with his age and ability to understand. In addition, the child must be continuously informed about the placement plan in a certain place, the services that will be offered to him and the tracking towards family reunion.

Target Group / Profile of Unaccompanied and Separated Foreign Children

Unaccompanied foreign children separated from their parents and families, due to displacement of the population in conditions of insecurity, as in the case of the Afghan population, are among the most injured and vulnerable categories from the dangers of exploitation. For this reason, the law on foreigners includes them in the definition of vulnerable persons.

The situation of unaccompanied foreign children separated from their families is characterized by a wide range of unfavourable and harmful circumstances for their emotional and physical health and well-being. Some of these children even before they were in the situation of FHNP, but while they were in the country of origin, they had a history of the risk of poverty or social exclusion, they were victims of violence from schools, institutions, their parents or guardians, they were forced to work or have a history of online exposure to inappropriate content. Even more vulnerable and critical may be the situation of FHPN girls, especially those with previous histories of abuse or exploitation, children with disabilities or LGBTI children.

In accordance with the law on the rights and protection of the child³ but also for social care services⁴, Due to the characteristics of vulnerability, FHPN are classified in the group of children in need of protection, even for special protection. On the other hand, this legislation applies to foreign, stateless children and refugees located within the territory of the Republic of Albania.

3 Law No. 18/2017 "On the rights and protection of the child"

4 Law No. 121/2016 "On social care services in the Republic of Albania"

Legal basis

Every child has the right to protection and care, guaranteed by a broad national and international framework. These instruments that address the rights and protection of children in most cases refer to the child in the singular to emphasize the importance of protecting and guaranteeing the rights of every individual child.

The nine basic human rights treaties, including the Convention on the Rights of the Child, which have been ratified by the Republic of Albania, have become part of the national legal framework for the protection of children's rights. Our country has ratified and periodically reports to the CRC on the Optional Protocol on the sale of children, child prostitution and child pornography and the Optional Protocol on the involvement of children in armed conflicts. Moreover, the Republic of Albania has ratified the Optional Protocol for the communication procedure according to which the child is recognized the right to turn to an international mechanism specific to them, when the national mechanisms fail to effectively deal with the violations.

On the other hand, the Committee of Ministers of the Council of Europe has approved a recommendation⁵ for member states, regarding the effective guardianship of FHPN, in the context of migration. This recommendation is designed to address the needs of this vulnerable category to ensure the protection of their basic rights to life, development and well-being, health, education, housing, and protection from all forms of violence and exploitation. The effective guardianship system constitutes a fundamental guarantee for the protection of FHPN rights because guardians play a key role in implementing the best interest of the child and exercising their rights.

This recommendation aims to guide the member states of the Council of Europe, including the Republic of Albania, by providing the guiding principles for an effective guardianship system through the adoption and implementation of an appropriate legal and policy framework that ensures the appointment of a guardian without delay as well as through the adoption and implementation of professional standards, ethics, and operational procedures, in the context of national and international cooperation.

⁵ Recommendation CM/Rec(2019)11 of the Committee of Ministers to member states for the effective custody of unaccompanied and separated children, in the context of migration

Meanwhile, the legal framework approved by the Assembly of the Republic of Albania contains principles but also regulations regarding entry, stay, granting of status and other conditions for the integration of refugees and in particular FHPN, during their stay in the Republic of Albania.

General constitutional principles⁶ place basic human rights and freedoms at the foundation of the legal order, considering them as indivisible, inalienable and inviolable. In this context, the Constitution provides that public bodies, in fulfilling their duties and in accordance with the area of responsibility, must respect the basic human rights and freedoms and contribute to their realization.

According to Article 16 of the Constitution, the fundamental rights and freedoms as well as the state's obligations towards Albanian citizens are equally valid for foreigners and stateless persons located in the territory of the Republic of Albania, except in cases where the exercise of certain rights and freedoms is related in a special way with Albanian citizenship. Foreigners have the right to shelter in our country, according to the relevant legislation. In particular, children and young people have the right to special protection from the state. Every child has the right to be protected from violence, abuse and exploitation⁷.

In terms of entry conditions and procedures, granting of refugee status, complementary protection and temporary protection, these aspects are addressed by the *Asylum Law*⁸. This law also defines the rights and obligations of foreign citizens and stateless persons, applicants for international protection in the territory of the Republic of Albania, persons under temporary and supplementary protection as well as the right to family reunification and the conditions for their integration during their stay in the Republic of Albania. The Asylum Law considers as persons belonging to a special category all FHPN children, as well as LGBTI children, children with disabilities, children with serious illnesses, children with mental health problems and disorders, as well as children who have been subject to any form of psychological, physical or sexual abuse. Children of this category are given special attention, treatment and care as well as differentiated treatment in accordance with their specific needs for accommodation, provision of special admission conditions, necessary medical treatment as well as psychosocial counselling⁹.

6 Law No. 8417, dated 22.11.1998 "Constitution of the Republic of Albania", amended

7 Article 54 of the Constitution of the Republic of Albania

8 Law No. 10/2021 "On asylum in the Republic of Albania"

9 Article 23 of Law No. 10/2021 "On asylum in the Republic of Albania"

Individuals treated under the asylum law are offered sufficient guarantees and respect for the principle of non-refoulement, in accordance with the national and international human rights framework and acceptance and exclusion criteria. Applicants for international protection are guaranteed legal assistance and information, as well as the right to obtain free legal assistance.

The Asylum Law places the principle of the best interest of the child at the heart of its implementation, in accordance with the UN Convention on the Rights of the Child and the Law on the Rights and Protection of the Child. Child applicants, like other applicants, are provided with a translation service in their mother tongue or in a language understandable to the child, from the first moments of information and counselling. The rules of confidentiality are even more pronounced in the case of FHPN treatment.

While carrying out the procedures for determining the status of international protection, FHPN have the right to stay in the Republic of Albania and are provided with minimum living conditions in terms of housing, food and clothing, health care, social care services, education, vocational training or employment in accordance to age as well as legal aid guaranteed by the state. They enjoy the right to exercise freedom of thought, religious belief, and all other rights in accordance with the law on the rights and protection of the child.

The QPA or the host institution must meet the necessary needs for accommodation, considering the age group and their needs for food according to a healthy diet but also education¹⁰. All children, and especially those with a previous history of violence and abuse, are provided with the necessary health treatment according to specific needs, for physical and mental health.

Likewise the Law on Asylum, the *Law on Foreigners*¹¹ which provides the definition for unaccompanied children, includes this category in the group of vulnerable persons. This law provides for more special rules for the treatment of this category in case of their departure from the Republic of Albania. FHPNs are also included in the category of non-deportable persons. In special circumstances a restraining order may be issued against a FHPN. In these cases, the FHPN is held in a special state social centre or another suitable centre.

10 CMD No. 855, dated 29.12.2021 "On determining the minimum living conditions and social conditions for applicants for international protection"

11 Law No. 79/2021 "On foreigners"

The rules for providing care services are provided in the *Law on Social Care Services*¹² and its implementing by-laws, legislation which defines children in need of special protection as individuals who may be victims of abuse, neglect, exploitation, trafficking, discrimination, violence, abandonment or any criminal activity.

Regarding the education of FHPN and registration in pre-university education institutions, the law on asylum determines the deadlines for realizing this right of the child based on the *Law on the Pre-university Education System*¹³ and the *Law on the Protection and Rights of the Child*. A specific instruction of the ministry responsible for education¹⁴ regulates in more detail the modalities of registration, assessment by the interdisciplinary committee for determining the class in which the FHPN is to be registered and the duties of the public educational institution for the provision of textbooks, the organization of the individual plan for language learning and the role of the psycho-social service worker.

12 Law No. 121/2016 "On social care services in the Republic of Albania"

13 Law No. 69/2012 "On the pre-university education system in the Republic of Albania", amended

14 Instruction of the Minister of Education, Sports and Youth No. 10, dated 17.05.2021 "On registration and support in public pre-university educational institutions of children of persons in a migration/ asylum situation, refugees, unaccompanied foreign children, children returning from emigration, from conflict areas or children victims of trafficking in the Republic of Albania".

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Table of procedural actions

Procedural action	Profesionistët e përfshirë	Afati	Responsible Institution/ Responsible Unit	Baza ligjore
Information and advice at the border crossing point, regarding the procedures to be followed when entering and staying in Albania.	Employees of regional structures covering border and migration issues; NGOs.	Immediately	Regional structure covering border and migration issues.	Article 4, point 1 of Law No. 10/2021 "On asylum in the Republic of Albania" and Article 4, point 4 of Law No. 79/2021 "On foreigners".
Applicants are provided with legal assistance from the state, as well as a translation service in the language they know.				Article 22, 23 and 24 of Law No. 10/2021 "On asylum in the Republic of Albania".
Informing the Responsible Structure for Social Services in the Municipality and the State Agency for the Rights and Protection of the Child for the determination of a FHPN, referring the case to the PMF responsible for the territory where the child is.	Employees of regional structures covering border and migration issues, state police or structures for asylum and refugees.	Within 12 (twelve) hours from the finding.	Regional structure covering border and migration issues.	Point 10 of CMD No. 111, dated 06.03.2019 "On the procedures and rules for the return and repatriation of the child". Article 27 of Law No. 10/2021 "On asylum in the Republic of Albania".
Informing the FHPN about the procedure for determining the status of protection, rights and obligations and conditions of reception.				

Procedural action	Profesionistët e përfshirë	Afati	Responsible Institution/ Responsible Unit	Baza ligjore
Initial evaluation of the FHPN case through verification of personal identification information, residence, citizenship.	PMF Psychologist Interpreter	Immediately	The child protection unit in the territorially competent municipality for the place where the child is located.	Point 12 of CMD No. 111, dated 06.03.2019 "On the procedures and rules for the return and repatriation of the child".
Preparation by PMF of a detailed informative report on the reasons for entry and stay as unaccompanied in the Republic of Albania and sending the report to the Agency for the Protection of Children's Rights.	PMF	Within 48 (forty-eight) hours from reporting the case.	NJMF Agency for the Protection of Children's Rights	Point 12 of CMD No. 111, dated 06.03.2019 "On the procedures and rules for the return and repatriation of the child".
Drafting of the Individual Protection Plan, which should also include the assessment of the risk of child trafficking.	PMF Employees of the social care institution	Immediately	NJMF Director of the Child Protection Unit GTN	Law on the protection and rights of the child. CMD No. 111, dated 06.03.2019 "On the procedures and rules for the return and repatriation of the child". CMD No. 578, dated 03.10.2018 "On the referral and case management procedures, the design and content of the individual protection plan, the financing of expenses for its implementation as well as the implementation of protection measures".

Procedural action	Profesionistët e përfshirë	Afati	Responsible Institution/ Responsible Unit	Baza ligjore
Referral of the case to the municipality or administrative unit where the social care institution is located where the child will be placed, which can be the National Reception Centre for Asylum Seekers or the National Reception Centre for Victims of Trafficking if the FHPN are at the same time victims or potential victims of trafficking.	<p>PMF Employees of the social care institution</p> <p>PMF Employees of structures responsible for asylum and refugees</p>	Immediately	NUMF	CMD No. 111, dated 06.03.2019 "On the procedures and rules for the return and repatriation of the child".
Placement of FHPN in social care institutions with adult relatives, with any foster family, in specialized centres for accommodation for the child or other suitable accommodation.	<p>PMF Employees of the social care institution</p> <p>PMF Employees of structures responsible for asylum and refugees</p>	Immediately	Municipality or administrative unit	Article 52 of Law No. 10/2021 "On asylum in the Republic of Albania".
FHPN who have reached the age of 16 may be placed in an adult QPA if it is in his/her best interest, consent to this, and be placed in the custody of an adult relative who is in the QPA.				

Procedural action	Profesionistët e përfshirë	Afati	Responsible Institution/ Responsible Unit	Baza ligjore
Registration of FHPN who has requested international protection and referral to the authority responsible for asylum and refugees.	Employees of regional structures covering border and migration issues	Immediately and no later than 3 (three) days after submitting the request and in case of influx no later than 10 (ten) days.	Regional structure covering border and migration issues	Point 14 of CMD No. 111, dated 06.03.2019 "On the procedures and rules for the return and repatriation of the child". Article 26 of Law No. 10/2021 "On asylum in the Republic of Albania".
Preparation and provision of opinion in written form by the Agency for the Protection of Children's Rights to the authorities responsible for asylum and refugees regarding the stay in the Republic of Albania of the FHPN, based on the PMF report and information provided by other sources.	Employees of the Agency for the Protection of Children's Rights		Agency for the Protection of Children's Rights. International organization	Point 14 of CMD No. 111, dated 06.03.2019 "On the procedures and rules for the return and repatriation of the child".

Procedural action	Profesionistët e përfshirë	Afati	Responsible Institution/ Responsible Unit	Baza ligjore
Making the decision on the relevant protection measure of FHPN based on the proposal of PMF and GTN.	Director of the structure of social services in the municipality and PMF GNT members	Immediately	The structure responsible for social services in the municipality Child Protection Unit C r o s s - s e c t o r a l T e c h n i c a l G r o u p	Article 48 of Law No. 18/2017 "On the rights and protection of the child", CMD No. 353, dated 12.06.2018 "On the rules of operation of the Inter-institutional Technical Group for the protection of children, near municipalities and administrative units".
After taking the decision on the relevant measure of protection, the PMF submits to the competent court the request for the validity of the emergency measure of protection for the placement of the child in alternative care together with the request for guardianship.	PMF Judges	Within 5 (five) days from the decision on the protection measure.	Child Protection Unit Competent court	Article 52 of Law No. 10/2021 "On asylum in the Republic of Albania".

Procedural action	Profesionistët e përfshirë	Afati	Responsible Institution/ Responsible Unit	Baza ligjore
Submission of the request for protection by filling out the form which also involves collecting evidence related to the request.	Employees of regional structures covering border and migration issues Employees of the State Police Structures responsible for asylum and refugees PMF/Legal guardian	Immediately	Regional structure covering border and migration issues The nearest State Police Station Asylum specialists and free legal services	Article 26 and 27 of Law No. 10/2021 "On asylum in the Republic of Albania", Article 36 of Law No. 79/2021 "On foreigners".
Conducting medical visits	Employees of structures responsible for asylum and refugees Specialist doctor Psychologist	Optional and only when needed to determine age.	Authority responsible for asylum and refugees QPA	Article 53 of Law No. 10/2021 "On asylum in the Republic of Albania".
Continuous information of the applicant during the stay in the QPA and provision of minimum living conditions including accommodation respecting the minimum living conditions, food, health services, free legal advice, educational programs.	QPA employees Health and education workers Interpreter	The information is provided within 15 days from the arrival at the QPA and the others immediately and continuously	Authority responsible for asylum and refugees	Article 26 of Law No. 10/2021 "On asylum in the Republic of Albania".

Procedural action	Profesionistët e përfshirë	Afati	Responsible Institution/ Responsible Unit	Baza ligjore
Examination of the request for international protection and participation in the procedure.	PMF (when no legal guardian has been appointed for FHPN). Psychologist Translator	Immediately	Authority responsible for asylum and refugees	Article 29 and 30 of Law No. 10/2021 "On asylum in the Republic of Albania".
Personal interview.				Point 19 of CMD No. 111, dated 06.03.2019 "On the procedures and rules for the return and repatriation of the child".
Taking into consideration the opinion presented by the Child Protection Agency.				
Registration in FHPN pre-university education and treatment with an individual plan for learning the Albanian language.	Employees of structures responsible for asylum and refugees PMF Educational employees	Within 3 (three) months from the date of submission of the request for protection.	Local Offices of Pre - University Education	Article 59 of Law No. 10/2021 "On asylum in the Republic of Albania".
When the FHPN has received the refugee status, he/she has the right to request family reunion with the first-degree family members in direct line and if these are not found the FHPN has the right to request family reunification with the legal guardian or relative of others not in a straight line.	Employees of structures responsible for asylum and refugees PMF	After receiving the refugee status.	Authority responsible for asylum and refugees Other responsible national and international structures	Article 72 of Law No. 10/2021 "For asylum in the Republic of Albania.

Procedural action	Profesionistët e përfshirë	Afati	Responsible Institution/ Responsible Unit	Baza ligjore
Issuing the FHNP return decision and ensuring safe return by ensuring that the FHNP will go to a family member, nominated guardian or appropriate institution.	Employees of the authority responsible for border and immigration PMF		Authority responsible for border and immigration CPUs	Law on asylum and foreigners
Notification of the order of removal or return of the FHNP to the PMF that has followed the implementation of his/her Individual Protection Plan.	Employees of structures responsible for asylum and refugees	Immediately	Authority responsible for asylum and refugees	Point 24 of CMD No. 111, dated 06.03.2019 "On the procedures and rules for the return and repatriation of the child".
Informing the FHNP from the PMF regarding the order of his/her removal or return.	PMF Psychologist Interpreter	Within 3 (three) days from the recognition of the order.	NJMF	Point 25 of CMD No. 111, dated 06.03.2019 "On the procedures and rules for the return and repatriation of the child".
The exercise of the right to appeal by the FHNP, through the legal guardian, if the application for asylum, residence permit or the refugee status decision is revoked or not accepted.	State-guaranteed legal aid workers PMF		NJMF	Point 26 of CMD No. 111, dated 06.03.2019 "On the procedures and rules for the return and repatriation of the child".

Procedural action	Profesionistët e përfshirë	Afati	Responsible Institution/ Responsible Unit	Baza ligjore
<p>The return or repatriation of the FHPN, if it is in his/her best interest and based on a comprehensive assessment that considers the individual needs of the child and the possibility of ensuring an appropriate return guaranteeing the dignity, honour and personality of the child.</p>	<p>The person responsible for accompanying the child PMF</p>	<p>Within the terms of execution of the order.</p>	<p>Local authority responsible for border and migration</p>	<p>Point 32 of CMD No. 111, dated 06.03.2019 "On the procedures and rules for the return and repatriation of the child".</p>
<p>Submitting the FHPN to the responsible authorities of the country of return and documenting this procedure. Compiling a detailed record and sending a copy of it to the agency.</p>	<p>The person responsible for accompanying the child</p>		<p>Local authority responsible for border and migration National Agency for Child Protection</p>	<p>Point 36 of CMD No. 111, dated 06.03.2019 "On the procedures and rules for the return and repatriation of the child".</p>

General instructions: Information and counselling at border crossing points is provided immediately upon arrival of foreign nationals or stateless persons at these points. This information is mainly related to the legal possibilities for obtaining refugee status or other statuses for protection defined in the asylum law as well as the procedures that must be followed. Each procedure is initiated by the applicants who are also offered legal assistance guaranteed by the state. In cases where they do not know the language, applicants are offered a translation service in the language of the country of origin, or another language known to them.

While the expression of intent for international protection can be presented in writing or verbally, the request must be completed in writing. The citizen who has expressed the intention to seek protection is registered and referred to the authority responsible for asylum and refugees.

The application procedure is carried out by the authority responsible for asylum and refugees. The legal guardian of FHPN or PMF may be present in the procedure when no guardian has been appointed. When it is deemed reasonable during the procedure of submitting a FHPN request, the psychologist may also participate. Personal interviews with children are conducted in a child-friendly manner.

FHPN, part of the special categories covered by the law, is given special attention, treatment, and care. FHPN are placed when possible, with adult relatives or foster families. They can be placed in specialized centres for children or in any other suitable accommodation and receive special treatment, in accordance with their specific needs for accommodation, provision of special admission conditions, medical treatment and appropriate psychosocial counselling. As far as possible, brothers and sisters should be accommodated in the same place. As a general rule, FHPN location changes should be limited as much as possible.

Since the identification of the FHPN, the authority responsible for asylum and refugees, in cooperation with national and international authorities, takes measures to trace and locate the parents or relatives of the FHPN.

The appointment of the guardian for the FHPN is carried out through a procedure that is initiated by the local border and migration authority which notifies the structure of social services in the municipality.

REFERENCES

Law No. 18/2017 "On the rights and protection of the child"

Law No. 111/2017 "On legal aid guaranteed by the state"

Law No. 79/2021 "On foreigners"

CMD No. 659, dated 03.11.2021 "On the approval of the National Agenda for Children's Rights 2021-2026"

Law No. 121/2016 "On social care services in the Republic of Albania"

Law No. 10/2021 "On asylum in the Republic of Albania"

Law No. 69/2012 "On the pre-university education system in the Republic of Albania", as amended

CMD No. 111, dated 06.03.2019 "On the procedures and rules for the return and repatriation of the child"

CMD No. 855, dated 29.12.2021 "On determining the minimum living conditions and social conditions for applicants for international protection"

CMD No. 578, dated 03.10.2018 "On referral procedures and case management, the design and content of the individual protection plan, the financing of expenses for its implementation as well as the implementation of protection measures"

CMD No. 353, dated 12.06.2018 "On the rules of operation of the Cross-institutional Technical Group for the protection of children, near municipalities and administrative units"

CMD No. 186, dated 04.04.2019 "On the criteria for hiring employees of child protection structures and employees who work with children"

CMD No. 565, dated 29.09.2018 "On the coordination of activity between institutional advisory and coordinating mechanisms and structures at the central and local level for issues related to the rights and protection of the child"

Instruction of the Minister of Education, Sports, and Youth No. 10, dated 17.05.2021 "On registration and support in public pre-university educational institutions of children of persons in a migration/asylum situation, refugees, unaccompanied foreign children, children returning from emigration, from conflict areas or children victims of trafficking in the Republic of Albania".

