

Guidelines

No. 293, of 4 June 2015

On procedures for treatment of foreign nationals illegally staying in the territory of the Republic of Albania

Pursuant to Article 102, paragraph 4, of the Constitution, Article 21 of Law No. 108/2014, "On the State Police", in application of Articles 10, 11, 106, 109, 111, 115, 118 and 128 of Law no. 108/2013, "On Foreigners", in order to harmonize procedures for the treatment of irregular foreign nationals in the Republic of Albania,

I INSTRUCT:

I. Procedures for the screening of foreign national who does not meet, or no longer meets the conditions for entry and stay in the Republic of Albania

1. The local regional border and migration authority is the state authority responsible for carrying out the procedure for selection of a foreigner who does not fulfill the conditions for entry and stay in the Republic of Albania.

2. The screening process is carried out at the border, or in the territory, and aims to define the category of foreigner, classifying him/her as:

- a) subject to refusal of entry;
- b) an asylum seeker;
- c) potential victim of trafficking;
- d) illegal migrant;
- e) an unaccompanied minor.

3. The screening process ends within a maximum of 10 hours of accompaniment. In case of exceeding of this deadline for justifiable reasons, the regional/local state authority responsible for treatment of foreigners is informed accordingly and a note is recorded in the national electronic register for foreigners (module of "irregular foreigners").

II. The procedure of calculating the terms of stay

1. Border and Migration structures responsible for controlling foreigners, during inspection on entry, stay and departure from the Republic of Albania, calculate the terms of stay of the foreigner and observance of the criteria of stay, 90 days to 180 days, or 1 year for citizens of the United States of America, or deadlines specified in a visa or residence permit, via which the foreigner wants to enter in or has entered into the territory of the Republic of Albania.
2. Upon entry to the Republic of Albania, calculation of the period of 90 days within 180 days is made with reference to the day of entry, counting backwards 180 days.
3. If, during the control in the territory, or at the border crossing point, during exit of the foreigner from the territory, it is found that the foreigner has stayed more than 90 days within the last 180 days, or has exceeded the deadlines specified in a departure order as specified in a removal/deportation order, then he/she is considered an illegal foreign resident in the territory. Staying beyond the term specified above is enabled only through issuance of residence permits, or through the act of extension of stay, or a D/H type visa, or up to 1 year for the citizens of the United States of America.
4. The day of entry and the day of exit of the foreigner are calculated each as a day of stay. If a foreigner enters in the country and leaves the country within the same day, 1 (one) day of stay is calculated for him/her.
5. For a foreigner who enter without a visa, but get a visa in order to apply for a permit to stay, counting of the days of stay is calculated according to entry with a D-type visa and the deadline set therein.
6. For the citizens of the United States of America, the calculation of such deadlines is done based on the criteria of their stay outside the territory of the Republic of Albania, 90 days or during one year of stay, or after 1 (one) year of uninterrupted stay, or jointly, both during and after the stay of 1 (one) year. Deadlines are calculated with reference to the day when the control is exercised on the foreigner, by counting a year back in time.

III. Procedures for refusing entry at the border

1. If, during the inspection of documents and preliminary interviews, as the initial stage of screening of a foreigner, upon entry in the territory of the Republic of Albania, it is found or suspected that the foreigner does not meet the criteria for entry into the Republic of Albania he/she is transferred for a more detailed control to the second line of screening. The second line control is carried out by personnel in charge for this work. For the foreign minor, the presence of the adult accompanying him/her, or relevant assistance of a social worker or psychologist for this category is ensured during the interviewing procedure, whereas for the female foreigner, interviewing is done by a woman police employee. Interviews are conducted in the language of the foreigner, or in a language he/she understands.

2. During the interview, when established that the foreigner does not fulfill the criteria to enter the territory of the Republic of Albania, the refusal of entry is communicated to the foreigner via a form (according to the Form in Annex no. 1 attached to these Guidelines), relevant notes are made in the travel document of the foreigner subject to refusal (according to the form in Annex no. 2 attached to these Guidelines), relevant notes are recorded in the entry and exit border control system (TIMS), and measures are taken to return the foreigner, cooperating, if necessary, with the carrier transporting him/her to the border crossing point, as provided for in paragraph 3 of Article 135 of Law No. 108/2013, "On Foreigners".

3. If, during the interview, it is established that the foreigner has used a forged document or a document declared as lost/stolen, then the travel document is seized, a report of the event is compiled and the act of refusal of entry to the territory is filled out, or, on a case-by-case basis, the case is passed to the judicial police officer for further procedural action against the foreigner.

4. The act of refusal of entry, along with a photocopy of the seized travel document, as well as a copy of the act of seizure is given to the foreigner subject to return, or to the carrier. The employee who found the document as false or declared as lost/stolen, makes entries in the TIMS system under "Refusal of entry". The travel document stranded at the border crossing point, along with the accompanying documentation, is submitted within 10 days through the regional/local state authority responsible for treatment of foreigners at the central state authority responsible for dealing with foreigners, which officially submits it to Ministry of Foreign Affairs.

5. In case refusal of entry is made as provided for in paragraph 12 of Article 135 of Law No. 108/2013, "On Foreigners", then the BCP authority issuing the act of refusal of entry to the foreigner imposes a fine against the carrier, according to the form established by the Decision of the Council of Ministers No. 513, of 13 June 2013, and gives it a copy or, if not able to do so, sends it through postal services. The documentary practice is submitted to the regional/local state authority responsible for treatment of foreigners to follow the execution procedure in accordance with the legislation on administrative offenses.

6. The regional/local state authority responsible for treatment of foreigners follows the voluntary execution procedure of payment of the fine imposed by the authority at the border crossing point. If, after termination of the deadline specified in the legislation on administrative offenses, the carrier has not paid the fine, then the responsible regional/local state authority for the treatment of foreigners applies a forcible execution of the fine, as provided for in Chapter VII of these Guidelines.

7. If the foreigner subject to refusal of entry at the border, for various reasons, cannot return immediately, the BCP authority decides to hold him/her in an area designated for this category of persons, up to taking of measures to remove him/her from the territory. All costs for foreigners in a given area with the purpose of his/her immediate return are borne on the carrier. The treatment of foreigners in this area is done under the same conditions as those of detention in the Detention

Center. In the event the period of detention of the foreigner subject to refusal of entry at the border, dictated by various conditions, is projected to exceed 24 hours, the regional/local state authority responsible for treatment of foreigners, sends the foreigner at the Detention Center by following the procedure of detention in the center. Accommodating a foreigner in a given area in order to return him/her to the border is not considered entry into the territory, regardless of the location of the area. Areas for holding foreigners in border crossing points are appointed by the regional/local state authority responsible for treatment of foreigners in the jurisdiction of which the border crossing points are found.

IV. Procedures for screening the foreign national, who does not meet or no longer meets the conditions for staying in the Republic of Albania. If the border police and immigration service finds/apprehends a foreigner staying irregularly at the border or in the territory, they notify their supervisor directly, exercise a detailed physical control to identify evidence of citizenship or country the foreigner has come from, compile the service report describing everything accurately and, under security measures, escort the foreigner with an irregular stay to the responsible authority (BCP, police commissariat or RBMD). The screening process (dactyloscopy, identification) is carried out by the RBMD, Border and Migration Police, or the border crossing point. The dactyloscopy process is conducted in cooperation with the regional police structures (forensic police) or from the border crossing. The identification process is carried out in cooperation with local structures of the State Intelligence Service and local structures of the Anti-Terror Department of the State Police Department.

1. In case the border and immigration police service finds/apprehends the foreigner with an irregular stay at the border or in territory, they notify their immediate supervisor, perform a thorough physical control to uncover evidence to identify the nationality or the country the foreigner has come from, compile a service report describing everything accurately and, under security measures, escorts the foreigner with an irregular situation to the responsible authority (BCP, police commissariat or RBMD). The screening process (dactyloscopy, identification) is carried out by the RBMD, Border and Migration Police Commissariat, or border crossing point. The dactyloscopy process is conducted in cooperation with the regional police structures (forensic police), or the border crossing point. The identification process is carried out in cooperation with local structures of the State Intelligence Service and local structures of the Anti-Terror Department of the State Police Department.

2. If other State Police services find/apprehend a foreign national staying irregularly in the territory, they accompany him/her to the premises of the Regional Border and Migration Directorate in which territorial jurisdiction the irregular foreigner is found/apprehended, handing him/her over in exchange of a service report.

3. In the event the foreigner is defined as an asylum seeker at screening, the regional/local authority responsible for treatment of foreigners (after filling out the Form in Annex 3 in these Guidelines), immediately notify the central state authority responsible for dealing with asylum seekers and refugees and the central state authority responsible for dealing with foreigners. The responsible state regional/local authority coordinates the work for the transportation and escorting of asylum seekers to the National Reception Centre for Asylum Seekers in Tirana, hands the asylum seeker to this authority and gets the minutes of hand-over, held in two copies according to Form in Annex. 4 of these Guidelines. A copy of the minutes is given to employees of state reception center for asylum seekers, while the other copy is kept by the regional border and migration authority. All the information is recorded in the national register of foreign nationals (module "irregular foreigners") and is reflected in the daily work communiqué.

4. In the event the screening procedure establishes the conditions for detention/arrest of the foreigner seeking asylum under the provisions of the legislation in force, the regional/local authority responsible for treatment of foreigners apprehends/arrests the foreigner and follows further relevant legal procedures. In addition, they notify the relevant structure at the authority responsible for dealing with foreigners at the central government level, which notifies the state authority responsible for asylum-seekers and refugees. All the information is recorded at the national electronic register for foreigners (module of "irregular foreigners") and is reflected in the daily work communiqué.

5. In the event the screening procedure establishes elements implying a suspect victim of trafficking or potential victim of trafficking, the regional/local authority responsible for treatment of foreigners, in accordance with the guidelines for the implementation of standard operating procedures for the identification and referral of victims of trafficking and potential victims of trafficking, immediately notifies the structures dealing with the fight against trafficking in the Regional Police Department and hands the foreigner over to such structures against an act of hand-over, drafted in two copies. All the information is recorded at the national electronic register for foreigners (module of "irregular foreigners") and is reflected in the daily work communiqué.

6. In the event the screening procedure identifies the foreigner as a migrant with an irregular stay, the relevant structure responsible at the regional/local state authority responsible for treatment of foreigners, referring to the cases, compiles relevant documents as stipulated by Law No. 108/2013, "On Foreigners". All the information is recorded at the national electronic register for foreigners (module of "irregular foreigners") and is reflected in the daily work communiqué.

7. When established that the foreigner subject to the screening procedure, is a minor, and is unaccompanied, the regional/local state authority responsible for treatment of foreigners adopts measures to accommodate him/her in a state social center for minors, or in any other center administered by international organizations or legal entities, Albanian or foreign, performing missions dedicated to children. The minor can be held in a detention center, only if so required by

the best interest of the child or his/her family, in special separate facilities from those for adults. Before detaining a minor in a detention center, the opinion of a social worker and/or a psychologist is taken.

V. Procedures of leave of the foreign national from the territory

1. The regional/local state authority responsible for treatment of foreigners, after screening the foreigner as a migrant with an irregular stay, if establishing that the conditions of Article 106 and Article 108 of Law No. 108/2013, "On Foreigners" are met, issues an order of removal for the foreigners, according to the Form in Annex. 5 of these Guidelines and communicates the order of removal and the obligations arising from this act to the foreigner, in a language he/she understands, or at least in English. A copy of the Order of Removal, issued by the regional border and migration authority, and of its practice, are sent for recognition, within 7 days, to the central state authority responsible for dealing with foreigners.
2. The period of prohibition of entry is specified in the Order of Removal. In the absence of records in the border control system, the foreigner must prove his departure from the territory by proving that the Order of Removal has been applied, which is attached to the request for repeal of the act of removal, addressed to the institution that has issued the act.
3. The regional/local state authority responsible for treatment of foreigners, in addition to issuing the Order of Removal for the foreigner staying irregularly in the territory, imposes a fine against the foreigners subject to removal and to public persons, natural or legal, domestic or foreigners, eligible according to provisions of Article 145 of Law No. 108/2013. "On Foreigners". All the information is recorded in the national register of foreign nationals (module "irregular foreigners") and is reflected in the daily work communiqué.
4. Following issuance of the Order of Removal, the relevant structure at the regional/local state authority responsible for treatment of foreigners follows the implementation of the obligations contained in the act.
5. A Complaints Review Commission is established at the central state authority responsible for dealing with foreigners. This authority establishes the number and functions of members of the Committee from its ranks. Representation on this committee can take up to 5 members, but not less than 3 members. The composition of the Committee is renewed every year.
6. The Complaints Review Committee is responsible for handling all administrative complaints addressed to the central government authority responsible for dealing with foreigners, according to Law No. 108/2013, "On Foreigners".
7. The central regional/local state authority responsible for treatment of foreigners, after screening of a foreigner as an irregular migrant, if establishing that the conditions of Article 108 and Article 109 of Law No. 108/2013, "On Foreigners" are met, issues a deportation order for a foreigner

(according to the Form in Annex 6 of these Guidelines) and communicates to the foreigner, in a language he/she understands, or at least in the English language, the deportation order and obligations arising from this act. A copy of the deportation order issued by the regional border and migration authority, together with a copy of the practice that is followed, is issued for recognition, within 7 days of its issuance, at the central state authority responsible for dealing with foreigners.

8. The foreigner subject to deportation, based on a case-by-case assessment, is detained at the detention center or ordered to implement one or more alternative measures as provided for in Law No. 108/2013, "On Foreigners".

9. The authorities responsible for dealing with foreigners, as laid down in Article 4 of Law No. 108/2013, "On foreigners", according to their area of responsibility and the provisions of Article 9 of Law No. 108/2013 "On Foreigners" propose to the Minister of Interior to declare a foreigner as "*persona non grata*", arguing the reason for the request.

10. The Minister of Internal Affairs, on the proposal of the authorities responsible for dealing with foreigners, issues a deportation order for the foreigner declared as *non grata* (according to the Form given in Annex 7 of these Guidelines) via an act of the central state authority responsible for dealing with foreigners. The regional/local state authority responsible for treatment of foreigners, after officially being notified of the act by the central state authority responsible for dealing with foreigners, executes the deportation order issued by the Minister of the Interior, based on the requirements of Article 112 of Law No. 108/2013, "On Foreigners".

11. In the event the foreigner is refused the status of an asylum seeker, the central government authority responsible for dealing with foreigners, upon notification by the central state authority responsible for dealing with asylum-seekers and refugees, takes the initiative to return the foreigner to his/her country of origin or country where he/she is accepted, giving priority to voluntary return or voluntary assisted return.

VI. Voluntary Assisted Return

1. If an irregular foreigner expresses his willingness to return to his/her country of residence or origin, the central state authority responsible for dealing with foreigners, based on the information of the responsible state authority at the regional/local level, or of the Detention Center authority where he/she clearly expresses his/her willingness to return, takes measures for the application of the assisted voluntary return, seeking the assistance of IOM.

VII. Fine execution procedures

1. The regional/local state authority responsible for treatment of foreigners, according to Article 130, paragraph 2, of the Code of Administrative Procedure, executes forcibly the fine imposed on a foreigner or entities, if the fine is not executed voluntarily by them within 1 month from the date of communication of the fine.

2. According to Article 133, paragraph 2, of the Code of Administrative Procedure, if the fine is not executed voluntarily, the regional/local state authority responsible for treatment of foreigners, 30 days after the communication of the fine, reports the foreigner or the entity in writing on the immediate execution of the fine by force and begins its immediate execution, according to the Civil Procedure Code.

3. The regional/local state authority responsible for treatment of foreigners, in the event of objections during the execution of the fine, pursues the legal way for executing the executive title (fine).

VIII. Procedure of issuance and execution of provisional measures

1. The regional/local state authority responsible for treatment of foreigners applies one or several alternative measures to detention in the temporary detention center for foreigners to the foreigner subject to deportation, based on a case-by-case assessment. This authority, based on a direct request by a natural person or legal entity, institution, or foreign representation accredited in Albania, or at a request of the central state authority responsible for the border and migration, when deemed necessary, can replace the measure of detention in the detention center, even after it has been executed, with the measure of "liability for physical presence." The aforementioned authority, in the case of a positive evaluation of the application, informs the Detention Centre and the central state authority responsible for the border and migration. The regional/local border and migration authority asks for the presence of a foreign national, whose detention order is replaced by the measure of "liability for physical presence", in regular intervals up until his/her departure from the territory.

2. Assessment of the application of alternative temporary measures is made based on the person's risk to public order and safety, risk of concealment from border and migration authorities, illegal departure to a third country, and the circumstances in which the deportation order is issued. The best interest of the child and the preservation of the family unity is always considered.

3. The regional/local state authority responsible for treatment of foreigners notifies the foreigner about the preliminary injunction or temporary measures taken against him/her by the order issued according to the forms provided in the annexes of these Guidelines. The order for the execution of injunction measures against a foreigner subject to deportation, is immediately recorded in the national electronic register for foreigners (module of "irregular foreigners").

4. The regional/local state authority responsible for treatment of foreigners, is responsible for monitoring the implementation of temporary measures by the foreigner and, in the event that during execution of these measures it establishes that the conditions and the circumstances in which the measures issued have changed, it may decide to replace this order with detention in the detention center.

5. The Detention Center Authority, during detention of the foreigner in this Center, reviews, on a case-by-case basis, the criteria on the possibility of replacing the detention order in the Center, with temporary measures and proposes to the central state authority responsible for treatment of foreigners the replacement of detention in the Detention Center with alternative temporary measures.

6. The central state authority responsible for dealing with foreigners reviews within 10 days of the proposal of the authority of the Detention Center the possibility of replacing the detention measure with temporary measures and decides to approve or reject the request.

7. In the event of approval of the request, the central state authority responsible for dealing with foreigners, determines the alternative temporary measure and the extent and manner of its execution. The decision to change the detention measure at the Detention Centre by a temporary measure or measures, after receiving due notice, is recorded in the national electronic register for foreigners (module of "irregular foreigners") by the regional/local state authority responsible for treatment of foreigners, which is set to execute a temporary measure.

8. If, within the maximum time limit (up to 1 (one) year), as provided for in the Law No. 108/2013 "On Foreigners" removal of the foreigner is not possible, the regional/local state authority responsible for treatment of foreigners issuing the deportation order and/or the order the detention of foreigners in the Detention Center, after being informed on time by the Detention Center about the case, 15 days before the expiration of the maximum term of detention, proposes to the central state authority responsible for dealing with foreigners to replace the detention in the Detention Center with the obligation to stay at a given territory. Upon approval of the request by the central state authority responsible for dealing with foreigners, the regional/local state authority responsible for treatment of foreigners, issues the order of compulsory stay in a given territory (according to the form set out in Annex no. 8 of these Guidelines), informs and provides the foreigner with a copy of the order, and records relevant information in the national electronic register for foreigners (module of "irregular foreigners").

9. If the criteria established in Law No. 108/2013 "On Foreigners" and in these Guidelines exist, and when so judged based on a case-by-case assessment, the regional/local state authority responsible for treatment of foreigners, can take the temporary measure of mandatory physical presence, according to the approved form given in Annex 9 of these Guidelines. The physical presence cannot be required for more than once a day and less than once a week. Time of physical presence shall be determined within working hours.

10. If the criteria established in the Law No. 108/2013, "On Foreigners" and in these Guidelines exist and when so judged based on a case-by-case assessment, the regional/local state authority responsible for treatment of foreigners, can adopt the temporary measure of blocking the travel document and travel ticket, if available, recording the acts in relevant minutes, kept in two copies, while one copy is given to the person concerned. The temporary measure to block the travel

document, and of the travel ticket, to a foreigner subject to removal/deportation can be taken against him/her when another temporary measure has been taken against him/her, or the measure of liability of physical presence, or of the obligation to stay in a given territory. In case of blocking of the travel document, the foreigner subject to this measure, is provided by the regional/local state authority responsible for treatment of foreigners with an identification document, following the form set out in Annex. 10 of these Guidelines.

11. In the event the criteria established in Law No. 108/2013 "On Foreigners" and in these Guidelines exist, and when judged on a case-by-case assessment, the regional/local state authority responsible for treatment of foreigners can take a temporary measure against the foreigner blocking his/her financial means he/she has at the moment of the order of removal/ deportation, or that may be found with him/her in continuity until the removal/deportation from the territory. Blocking of financial means is done in parallel to keeping minutes, kept in two copies, one of which is given to the person concerned. The financial means of the foreigner are kept in the financial structure of the regional/local state authority responsible for treatment of foreigners to cover the costs of returning the foreigner. The blocked financial means are held by the financial structure of the regional/local state authority responsible for the treatment of foreigners. The remainder of the financial means after covering the travel costs, are restituted to the foreigner at the time of departure from the territory, together with relevant minutes, kept in two copies, one of which is given to the person concerned.

12. Instead of other temporary measures or in combination with them, according to a case-by-case assessment, the regional/local state authority responsible for treatment of foreigners may require a foreigner to establish a financial guarantee in his account number to the extent that it can guarantee his/her return. The financial guarantee of the foreigner is released by the regional/local state authority responsible for treatment of foreigners, when the expenses of return of the foreigner are warranted.

IX. Procedures of detention in the Detention Center

1. The regional/local state authority responsible for treatment of foreigners, in accordance with the provisions of Article 121 of Law No. 108/2013, "On Foreigners", undertakes and executes the administrative measure of detention in the detention center, by issuing the Order of Detention in the Detention Center, according to the Form in Annex 11 of these Guidelines.

2. The transfer of irregular migrants to the detention center is made using the means of transportation and forces available to the regional/local state authority responsible for treatment of foreigners in the territorial jurisdiction where they are found staying irregularly, or where they have finished serving of a criminal conviction.

3. The regional/local state authority responsible for treatment of foreigners informs in advance, before departure, the Detention Center authority regarding the transfer of the foreigner to this Center, in order for it to take necessary measures for their accommodation in the Center.
5. The documentation/evidence attesting the citizenship or travel itinerary of the foreigner subject to detention in the Detention Center, are sent to the central state authority responsible for dealing with foreigners, while a copy is submitted to the Detention Centre, together with the foreigner subjected to detention in the Center, together with the relevant minutes.
6. The regional/local state authority responsible for treatment of foreigners cooperates with the authority of the Detention Center, according to provisions of Article 128 of Law No. 108/2013, "On Foreigners", to provide funds to cover the cost of stay at the Centre, as well as other expenses related to his removal/deportation. Maintaining and use of funds, as provided for in Article 128, shall be made pursuant to an order of the authority realizing the removal/deportation of a foreigner from the territory.
7. The Detention Center Authority, in cooperation with the national authority responsible for dealing with foreigners, prepares the return/readmission of the foreigner in the country of transit, residence or origin.

X. Extension of period of stay in the Detention Center

1. If the detention has lasted for six months and the return of the foreigner subject to detention in the Center is not realized, the Detention Center authority, according to Article 123 of Law No. 108/2013, "On Foreigners", proposes to the central state authority responsible for dealing with foreigners to extend the period of detention in the Detention Center.
2. The central state authority responsible for dealing with foreigners, after examining the request for an extension of stay in the Centre, notifies the authority of the Detention Center of this decision within 10 days of receipt of the request.
3. If the central state authority responsible for dealing with foreigners refuses the request to extension of stay in the Detention Center, the Detention Center Authority records this in the national electronic register for foreigners. In such case, the regional/local state authority responsible for treatment of foreigners, after being notified on the refusal by the central state authority responsible for dealing with foreigners, cooperates with the Detention Center on the release from the Centre and on adoption of other appropriate measures.
4. The Detention Center Authority, in close cooperation with the central border and migration authority, prepares the return/readmission procedure of a foreigner in the country of transit, residence or origin.

5. The chief of the escort accompanying the foreigner subject to deportation cooperates with the border crossing point authority on the leave of the foreigner subject to return from the territory. The authority at the border crossing point conducts the procedure for registration of the foreigner at the border point exit control system and assists the escort in the process of handing the foreigner over at the border crossing of the state of return. In any case, the return procedure ends with the completion of the act of hand-over and its signature by the authorities admitting the foreigner subject to return.

XI. The procedure for readmission of foreign nationals in the Republic of Albania

1. The central state authority responsible for dealing with foreigners, according to the obligations arising from readmission agreements of the Republic of Albania with other states, performs the procedure of readmission of third-country nationals or stateless persons who have used the Republic of Albania as a transit country to move to these countries.

2. In the case of requests for readmission by countries Albania has signed a readmission agreement with, the central state authority responsible for dealing with foreigners receiving the request, evaluates the evidence or pieces of evidence apparently proving that the foreigner requesting readmission in the territory of the Republic of Albania has used such territory to illegally cross the border to these countries and issues a response to the requesting party.

3. If the request for readmission is admitted, this authority informs the requesting party about the date, time and point of crossing that will receive the foreigner subject to readmission, notifies the regional/local state authority responsible for treatment of foreigners and the respective BCP in the respective territorial jurisdiction for taking relevant measures for the reception. The regional/local state authority responsible for the treatment of foreigners informs by phone or via e-mail the Detention Center staff for taking relevant measures to accommodate the foreigner in the Centre.

4. The of border and migration police services at the border crossing point where readmission is performed, perform the screening procedure for the foreigner (Annex no. 3 of these Guidelines), thereby classifying him/her as irregular migrant, record him/her in the TIMS system and record the relevant information in the national electronic registry for foreigners (module of "irregular foreigners").

5. According to the specifications set forth in the requests for readmission, the central state authority responsible for dealing with foreigners, in cooperation with regional/local state authority responsible for dealing with foreigners where readmission is carried out, takes all measures to provide medical assistance, if necessary, the presence of a social worker or psychologist at the border crossing point where readmission is performed, as well as during the transportation of the foreigner subject to readmission to the Detention Center, or to the certain territory where alternative measures will be implemented.

6. After performing the screening and classification procedure for the foreigner readmitted as an "illegal migrant", the regional/local state authority responsible for treatment of the foreigner in the territory of which readmission is carried out issues the order of deportation and the order of detention in the Detention Center for the foreigner subject to readmission, or the order of alternative measures, based on a case-by-case assessment, and transports the foreigner subject to readmission to the Detention Center for Foreigners, or the place where the order of alternative measure/s applies/apply.

7. In case of return without prior request or notice of third country nationals, the border and migration authorities at the border crossing point where the return is carried out, inform, through the responsible regional/local state authority, the central government authority responsible for treatment of foreigners on the returned foreigner, together with the apparent evidence or pieces of evidence (if available) attesting that the foreigner returned to the border crossing point has used the territory of the Republic of Albania to illegally cross to these countries and refuses entry of the foreign national without its prior confirmation. The central state authority responsible for dealing with foreigners, after analyzing the apparent evidence or pieces of evidence, takes a decision on whether or not to accept a returned foreigner (a national of third countries) in the territory of the Republic of Albania in the border crossing point and communicates this decision to the regional/local state authority responsible for treatment of foreigners.

8. If the central state authority responsible for dealing with foreigners decides to accept the foreign national subject to return (refer to paragraph 7, Chapter XI), the regional/local state authority responsible for treatment of foreigners performs the same procedures as those specified in paragraph 5, Chapter XI of these Guidelines.

9. If the central state authority responsible for dealing with foreigners decides to accept the foreign national subject to return, it notifies the regional/local state authority responsible for treatment of foreigners. The Border and Migration Police services at the border crossing where the foreigner is sought to be returned, based on the decision of non-admission, performs relevant procedures refusing entry at the border.

10. Relevant state authorities at the Ministry of Internal Affairs are charged with the implementation of these Guidelines.

These Guidelines enter into force after their publication in the Official Journal.

THE MINISTER OF INTERIOR

Saimir Tahiri