

**MEMORANDUM OF UNDERSTANDING
ON
UNIFIED PRE-SCREENING OF DETAINED FOREIGNERS**

BETWEEN

the Albanian Government Office for Refugees, Ministry of Local Government

(hereinafter referred to as "OFR")

the United Nations High Commissioner for Refugees

(hereinafter referred to as "UNHCR")

the Organization for Security and Co-operation in Europe

(hereinafter referred to as "OSCE")

the International Organization for Migration

(hereinafter referred to as "IOM")

and the International Catholic Migration Commission

(hereinafter referred to as "ICMC")

(all hereinafter referred to as "the Parties")

PREAMBLE

Noting the provisions of the Albanian Constitution and legislation with regard to foreigners in general and refugees in particular;

Aware of the irregular flow of foreigners transiting through Albania, which is composed of economic migrants, refugees and trafficked persons;

Taking into account the commitment of the Government of the Republic of Albania in curbing such flows with strict respect with human rights standards, notably with regard to the protection of asylum seekers and refugees and of victims of trafficking, and

Believing that the proper identification of asylum seekers and trafficked women among the foreigners detained in Albania and to refer them to the appropriate system would ensure their basic human rights;

Considering that the proper referral structures and procedures for the reception and handling of the above-mentioned groups are not yet fully established;

Considering that the Parties have expressed their interest and willingness to assist the Government in accordance with their respective mandates by implementing a unified pre-screening procedure for all detained foreigners.

And taking into account the Ministerial Order No. 1382 addressing the Pre-screening of Detained Foreigners signed by the Republic of Albania Ministry of Public Order on 8 February 2001, herein attached as Annex A to Memorandum of Understanding.

IT IS HEREBY AGREED BY THE PARTIES:

1. A "Pre-screening Office" (PSO) will be established within the premises of UNHCR. The PSO will, *inter alia*, serve as the focal point to receive reports from Albanian Police forces or OSCE Field Stations on apprehended foreign citizens. The PSO will be staffed by UNHCR and supervised jointly with the OFR.
2. The PSO, upon notification of apprehended foreign citizens, and determination of the characteristics of those foreign citizens, will immediately notify the appropriate parties to this agreement so that said parties can dispatch screening teams within 24 hours.
3. In cases where there are reasonable grounds for believing that the detained person is or has been trafficked for the purpose of prostitution, the PSO will notify ICMC or IOM focal points, who will dispatch ICMC screening teams to determine the foreign citizens' eligibility to the IOM/ICMC Inter-Agency Referral System (IARS) Project for the Return and Reintegration of Trafficking Victims.
4. As IOM and ICMC will receive case referral of trafficked women directly from sources outside the scope of this MOU, those referrals and the results of subsequent IARS screening interviews will be reported to the PSO on a monthly basis.
5. In the event ICMC screening teams identify a trafficked woman who does not wish to return to her country of origin through the IARS project, that woman will be informed of the asylum procedure process, and, if she expresses an interest in further consideration for asylum, the PSO will be notified to arrange dispatch of a UNHCR/OFR screening team. ICMC screening teams will receive a briefing by UNHCR and OFR on the asylum procedure process so as to best implement this step of the process.
6. In cases where the detained foreign citizens are not presumed to be women trafficked for the purposes of prostitution, the PSO will coordinate with OFR to dispatch screening teams to ascertain if the foreign citizens wish to seek asylum in Albania.
7. In the event that Albanian Police Forces inform OSCE Field Stations of apprehended foreigners, the respective field station will notify the PSO and provide the following data:

- Number of foreign citizens detained and location
 - Date of detention
 - Documentation (if any)
 - Presumed citizenship
 - Presumed language or languages spoken
 - Gender composition
8. In the event that the information provided by the Albanian Police Forces is unclear, incomplete, and/or inconsistent, OSCE Field Stations, upon the request of the PSO, is to undertake a preliminary investigation to determine or confirm such information, as the PSO may require.
9. In addition to serving as the focal point for pre-screening of apprehended foreign citizens, the PSO will also determine and compile relevant statistical data on cases referred and the results of the respective screening procedures. With regard to this function:
- The data and statistics compiled by the PSO will be distributed to all parties to this agreement on a monthly basis. Ownership of the information will be considered open and equal to all parties.
10. Any party or person authorized by any party having access to or having obtained personal data from the foreigners is obligated to use them solely within it or his/her professional tasks and duties and to keep them, beyond that, confidential.
11. No party to this agreement shall assume any detained foreigner is eligible for asylum processing or assistance through the IARS project other than the respective screening teams dispatched to determine said eligibility.
12. All parties will provide the PSO with a complete list of focal points and contact information so as to ensure timely coordination and dispatch of screening teams (the list of focal points is attached as Annex B to this Memorandum of Understanding).
13. All parties agree to assume operational and financial responsibility for their respective activities within the scope of this MOU.
14. Recognizing the need to maintain flexibility and adapt operations to changing realities, regular monthly meetings of the parties will take place to address modifications of the unified screening procedure, the operations of the PSO, and potential new initiatives to complement screening activities.
15. Any dispute, controversy, or claim arising out of or relating to the present agreement, including its invalidity, breach or termination, shall be settled amicably through discussion and negotiation

16. This MOU shall enter into force upon signature and be subject to automatic renewal after six unless terminated earlier by the provision of not less than one month written notice addressed to each party by any of the parties.
17. Modifications and amendments of the present MOU shall be made in writing with the consent of all parties.

Signed this --- day of ----- 2001 in Tirana, Albania.

Mr. Enton Lita
National Commissioner for Refugees
Ministry of Local Government

Ambassador Geert-Hinrich Ahrens
Head of OSCE Presence in Albania

Ms. Marion Hoffman
UNHCR Albania Representative

Mr. Maurizio Busatti
IOM Tirana Chief of Mission

Mr. Kenneth Patterson
ICMC Albania Country Director