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Stories behind Visa Liberalization: Asylum Seekers and Irregular Migration

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Contents

List of Abbreviations.....	4
Executive Summary	5
Introduction.....	7
Methodology.....	10
Trend of Albanian Asylum Applications to EU Countries during 2011-2012.....	12
Perspectives of Albanian Asylum Seekers in Belgium, France, and Greece.....	16
Strategy for Re-integration of Albanian Returned Citizens and Action Plan.....	24
<i>The Strategy</i>	24
<i>Analysis of the Action Plan</i>	24
Recommendations.....	27
Annex 1: Detailed Analysis of the Action Plan for the Strategy on Re-integration of Returned Albanian Citizens.....	29
Bibliography.....	41

Tables and Graphs

Table 1: Albanian new asylum applications in EU countries, 2011-June 2012.....	12
Table 2: Asylum applicants from Albania: top 3 destination countries 2011-July 2012..	13
Table 3: First instance decisions on Albanian asylum applications in EU countries January-September 2012.....	15
Table 4: Reasons for applying for asylum in individual countries.....	19
Table 5: Reasons presented to authorities by country of applying for asylum.....	22
Graph 1: Monthly asylum applications from Albania in Belgium, Greece and France during 2011-July 2012.....	14
Graph 2: Gender representation: total sample.....	16
Graph 3: Respondents by age groups: total sample.....	16
Graph 4: Respondents living in rural and urban areas: total sample.....	17
Graph 5: Education level of respondents: total sample.....	18
Graph 6: Reasons for applying for asylum: total sample.....	18
Graph 7: Information prior to applying for asylum: total sample.....	20
Graph 8: Sources of Information prior to migration: total sample.....	21
Graph 9: Reasons presented to asylum authorities when applying for asylum: total sample.....	22

LIST OF ABBREVIATIONS

BCP	Border Crossing Point
BMP	Border and Migration Police
EC	European Commission
EO	Education Office
EU	European Union
DCM	Decision of Council of Ministers
GoA	Government of Albania
MC	Migration Counters
MES	Ministry of Education and Science
MOL	Ministry of Labor
NGO	Non-Governmental Organization
RED	Regional Education Office
UNHCR	United Nations High Commissioner for Refugees
REO	Regional Employment Office
SME	Small and Medium Enterprise
VLA	Visa Liberalization Agreement

EXECUTIVE SUMMARY

Following the enforcement of re-admission agreements and almost two years from the entry into force of Visa Facilitation Agreement, the European Union (EU) lifted visa requirements initially for Serbia, Macedonia, and Montenegro in December 2009 and the following year for Bosnia-Herzegovina and Albania. After the enactment of visa liberalization, thousands of Macedonian and Serbian citizens traveled to EU countries to seek asylum. Although not with the same pace, the flow of Albanian asylum seekers into EU countries increased in the second half of 2011. In order to cope with visa liberalization challenges, during April-May 2010, the Government of Albania (GoA) launched awareness campaigns to inform citizens on their rights and obligations under visa-free regime¹. In addition, in June 2010, GoA approved the Strategy on the Re-integration of Returned Albanian Citizens and its Action Plan, as one of the last benchmarks before visa liberalization was granted to Albanian citizens in December 2010. Regardless of its positive reception, the strategy was drafted under tight deadlines and was not generally consulted with civil society actors, independent experts, and relevant stakeholders. Consequently, it lacked adequate instruments to address management of migration and the dynamics of re-integration. This study is built on the presumption that the establishment of a functional legal and institutional framework responding to migration management and re-integration challenges calls for mapping and analysis of the root causes of asylum seeking.

The experience of Albanian asylum seekers surveyed under this analysis in Belgium, France, and Greece suggests that reasons like short asylum application procedures, easy fulfillment of criteria set by host country authorities as well as easy access to the country when applying for asylum constitute the main “incentives” attracting asylum seekers to undertake this endeavor. The factors for asylum seeking presented to asylum authorities by applicants show that the most prominent reasons are the economic ones. At country level, this trend is more visible in Greece, while in France and Bel-

1. EMA ‘Visa liberalization what it actually means’



gium a considerable number of respondents applied for asylum on blood feud grounds.

Based on the assessment of the measures within the Action Plan of the Strategy on Reintegration of Returned Albanian Citizens, this study recommends that adequate measures aiming to manage migration and to support reintegration of Albanian returnees should be undertaken. First, the Action Plan needs to be revised and updated to conform to the actual state of play of migration management and re-integration processes. Second, measures including concrete services and programs in support of re-integration of Albanian returned citizens should prevail upon informative ones. Finally, special re-integration programs tailored to returnees' needs targeting health-care, education, housing, employment, skills improvement, and economic aid must be seriously considered.



INTRODUCTION

The visa liberalization dialogue took place between the European Commission (EC)² and Albania, Bosnia Herzegovina, Macedonia, Serbia, and Montenegro during 2008-2010. It concluded with the inclusion of the five Western Balkan states in the list of visa-exempted countries for entering the EU. In 2008 and 2009, the EC handed the Roadmap for Visa Liberalization to respective governments. This roadmap included 4 blocks:

1. Security of documents
2. Illegal migration and re-admission
3. Public order and security, and
4. Foreign relations and fundamental rights.³

Following written assessments on benchmarks' fulfillment by concerned governments, monitoring reports and ground missions by EC and individual EU Member States, the Visa Liberalization Agreement (VLA) was enforced with Serbia, Montenegro, and Macedonia in 2009 and subsequently with Albania and Bosnia Herzegovina.⁴ VLA allows citizens holding a biometric passport to travel without a visa to EU countries for a period of 90 days within 6 months. Nevertheless, they are subject to entry conditions defined in the Schengen Border Code and can be refused by member state's border authorities.⁵ To monitor VLA enforcement in the five Western Balkan countries, the EC drafted a monitoring mechanism in 2010 and since then it has

2. The European Commission is one of the main EU decision-making institutions composed by 27 Commissioners and organized into departments (DG). Regarding visa liberalization, through its Justice and Home Affairs and Enlargement DGs, the EC monitors implementation, keeps emergency consultations, and proposes to the Council measures including suspension of visa liberalization in cases of abuse. http://ec.europa.eu/about/ds_en.htm

3. European Commission 'Third Report on the Post-Visa Liberalization Monitoring for the Western Balkan Countries in accordance with the Commission Statement of 8 November 2010', p.2

4. Council Decision 15521/09 'Council regulation amending Regulation (EC) No.539/2001 listing third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement.' and Decision 15875/10 'Visa Liberalization for Albania and Bosnia Herzegovina.'

5. Chachipe, 'Selective Freedom: The Visa Liberalizations and Restrictions on the Right to Travel in the Balkans.' p.3

issued three monitoring reports.

After VLA enforcement, the number of asylum applications from Serbia and Macedonia towards EU states increased notably. In 2010, Serbian asylum applications to EU countries increased from 320 in January to 1660 in December, and Macedonian asylum seekers to EU increased from 65 in January to 1125 in November.⁶ In 2011, enactment of VLA for Albania did not immediately increase asylum seekers' flow. However, in October 2011, Belgium complained about unprecedented waves of Albanian asylum seekers who claimed to be victims of blood feud.⁷ The Head of Asylum and Migration Department of Belgium, Mr. Freddy Roosemont, visited Tirana in October 2011, emphasizing that "behind those seeking asylum there is an entire organization and networks providing them with fake papers in exchange for huge amounts of money."⁸ Subsequently, media reports on few NGOs working on reconciliation efforts revealed cases of fake attestation certificates, which triggered Albanian authorities to initiate criminal prosecution against them. While media coverage contributed to publicize the case, response from Albanian authorities has been sporadic and only when warned by the Commission or any individual member state.⁹

To respond to visa liberalization challenges, in May 2010 GoA launched informative campaigns on citizens' rights and obligations under the visa-free regime and approved the Strategy on Re-integration of Albanian Returned Citizens in July of that same year.¹⁰ Irrespective of its positive reception, the Strategy was drafted in a hurry and lacked extensive consultations with civil society, relevant experts, beneficiaries and other stakeholders. This paper analyzes GoA's approach to planning and implementation of pro-active and

6. European Commission 'Second Report on Post-Visa Liberalization Monitoring in Accordance with the Commission Statement of 8 November 2010' June 2012, pp. 21-23

7. Blood feud and revenge are part of the Kanun, which is a set of 15th century norms of unwritten law widely used in North Albania until the end of Second World War. Blood feud re-emerged in Albania during transition to market economy and has since then generated serious social and economic concerns in the north of the country. While old norms state that blood feud can only pass in male blood lines, post 1990s cases have included killing of children and women. This has made entire families lock up in their houses and has forced children to abandon school for fear of revenge. This situation has deteriorated economic conditions of many poverty-stricken families. After visa liberalization, many Albanian citizens applied for asylum on blood feud grounds. This paper examines blood feud within this context.

8. EU Business, 'Foul Play behind Surge in Albanian Asylum Seeking.' 18 October 2011

9. Frontex 'Western Balkans Annual Risk Assessment 2011.', p.32

10. Republic of Albania, 'Strategy on Re-integration of Albanian Returned Citizens 2010-2015' Official Journal of the Republic of Albania No.95 Tiranë 23 July 2010, p.5063



preventive measures and their relevance to the current situation as well as to the developing dynamics of migration management and re-integration challenges. It also identifies and analyzes cases of visa free regime misuse and reasons conditioning these practices. Based on such evidence, it finally looks at possible alternatives and policy advice on a comprehensive framework of measures targeting root causes of the phenomenon.



METHODOLOGY

This policy paper aims to identify and analyze root causes of asylum applications, effects, gaps and other shortcomings related to Albania's measures and response to growing concerns over misuse of the visa-free regime with EU. The paper looks closely at official evidence and alternative data on such phenomenon, the perspectives of Albanian citizens that have experienced such context mostly in terms of asylum applications as well as the institutional and legal and/or policy framework that is expected to prevent and address these challenges. The research also generates quantitative and qualitative data that are further analyzed in the broader context of gathered information. This aims to produce policy recommendations for a comprehensive set of measures delivering sustainable impact in terms of migration management and re-integration.

The first chapter of this study focuses on statistical review of data regarding asylum applications from Albanian citizens and their registered trends relying on data from Eurostat and Frontex covering the period 2011- June 2012. Additional data is generated through semi-structured interviews with Albanian asylum seekers that applied for asylum during January 2011-July 2012 and are residing in EU territory awaiting the final decision. The three countries revealing the highest flows of Albanian asylum seekers during visa liberalization are Belgium, France, and Greece. While the target sample per country was met for Greece (15 respondents) and France (10 respondents), only 7 respondents were interviewed in Belgium due to difficulties in the identification of asylum seekers.

The second part of the paper analyses the policy framework on management of returned Albanian citizens and their re-integration. Primary evidence for this part was gathered from the Monitoring Report on the Implementation of the Action Plan of the Strategy on Returned Albanian Citizens (June 2010-December 2011) and from the report with indicators on the implementation of the Strategy and its Action Plan (June 2010-December 2011) provided by the Ministry of Labor, Social Affairs and Equal Chances. The measures implemented by Albanian institutions are assessed in terms of their effectiveness,



adequacy and response to migration management dynamics for preventing illegal asylum and for promoting reintegration. Finally, the paper concludes with a set of recommendations to improve government's response to challenges arising from the visa-free regime with EU.

Limitations

The initial aim of the first part of this study was to review and analyze data gathered by Albanian authorities on cases of misuse of visa-free regime by Albanian citizens during January 2011-june 2012. Attempts were made to approach and cooperate with Border and Migration Police Department (BMP) regarding data on asylum seekers returned to Albania and conducting interviews with returned asylum seekers at the border crossing points. Cooperation proved challenging and the BMP was reluctant to provide data on asylum seekers classifying this information as strictly confidential. Consequently, the first part of this study relies mostly on secondary data and some issues are partially addressed. This fact constitutes a limitation of this study and merits further research in future initiatives



TREND OF ALBANIAN ASYLUM APPLICATIONS TO EU COUNTRIES DURING 2011-2012

Enactment of visa liberalization for Albania did not trigger the increase of the numbers of asylum seekers, like in Serbia and Macedonia.¹¹ During 2010, the number of Albanian asylum applications in EU member states dropped from 1310 to 1090.¹² Nevertheless, the flow of Albanian asylum seekers to EU member states increased from the second quarter of 2011 onwards. UNCHR data indicate an increase of asylum applications from Albania to EU countries from 1820 in 2010 to 2822 in 2011.¹³ According to Eurostat statistics, asylum applications by Albanian citizens to EU countries more than doubled from 110 in January 2011 to 235 in November of the same year. Within this period, a substantial increase in Albanian asylum applications to EU member states is noticed during June-October 2011 (+580).

Table 1: Albanian new asylum applications in EU countries, 2011- June 2012¹⁴

Qtr.	2011 Q1			2011 Q2			2011 Q3			2011 Q4			2012 Q1			2012 Q2		
Month	M1	M2	M3	M4	M5	M6	M7	M8	M9	M10	M11	M12	M1	M2	M3	M4	M5	M6
Albania	110	125	145	185	150	145	185	150	265	725	355	280	235	225	320	395	980	535

Source: Eurostat: Asylum and new asylum applicants by citizenship, age, and sex monthly data (rounded)

Eurostat statistics indicate that Belgium, France, and Greece are the top 3 EU countries registering the highest number of Albanian asylum applications during January 2011-July 2012. In 2011, asylum applications from Albanian citizens towards these three countries together (1950) account for

11. In 2010, Serbia ranked the 3rd country with the largest number of asylum seekers to EU member states, while Macedonia ranked the 9th and Albania 30th. European Stability Initiative, 'Presentation: Freedom of Movement in a Populist Age: Why Balkan Visa Liberalization Is (Still) a Success.' 1 July 2011. p.2

12. Chachipe, 'Selective Freedoms: The Visa Liberalization and Restrictions to Travel in the Balkans.' July 2012. p.52

13. UNCHR, 'Asylum Levels and Trends in Industrialized Countries, 2011' 2011 p.24

14. Eurostat defines new asylum applications as new entry applications made by applicants for the first time.

almost $\frac{3}{4}$ of total applications made by Albanian citizens in EU countries (2850) (See Table 2). Belgium (1180) holds the highest applications' share for 2011. According to Frontex WBARA 2012, this trend is explained with misconceptions of asylum system, easy access to forged certificates, attempts of asylum seekers to poke return incentives and widespread rumors that asylum seekers have a right to work in Belgium.¹⁵

Table 2: Asylum applicants from Albania: top 3 destination countries 2011-July 2012

Countries	Albanian asylum applicants 2011	Albanian asylum applicants January-July 2012
EU	2850	3385
Belgium	1180	180
Greece	280	165
France	490	830

Source: Eurostat: Asylum and new asylum applicants by citizenship, age, and sex monthly data (rounded)

Monthly data on Albanian asylum applications in Belgium, France, and Greece reconfirm that the most significant increase occurred in the second half of 2011. During this period, the highest increase among the three countries occurred in Belgium where asylum applications from Albania rocketed from 25 in June to 530 in October. In Greece and France, the increase in asylum applications was less significant (Graph 1).

The first half of 2012 shows a sharp decline of asylum applications by Albanian citizens in Belgium (from 1180 to 180), and in Greece from 280 to 165, as shown in Graph 1.

This decrease of asylum applications from Albanians in Belgium during 2012 is also confirmed by Belgian authorities stating that applications dropped from 809 in 2011 to 194 in May 2012.¹⁶ This might be a consequence of increased joint efforts to counteract asylum seeker waves of June-October 2011 by Belgian and Albanian authorities. The first return operation from Belgium took place shortly after the Head of Belgian Migration Directorate, Freddy Rosemont, visited Albania. Since then, sporadic return operations from Belgium to Albania followed during 2012.¹⁷

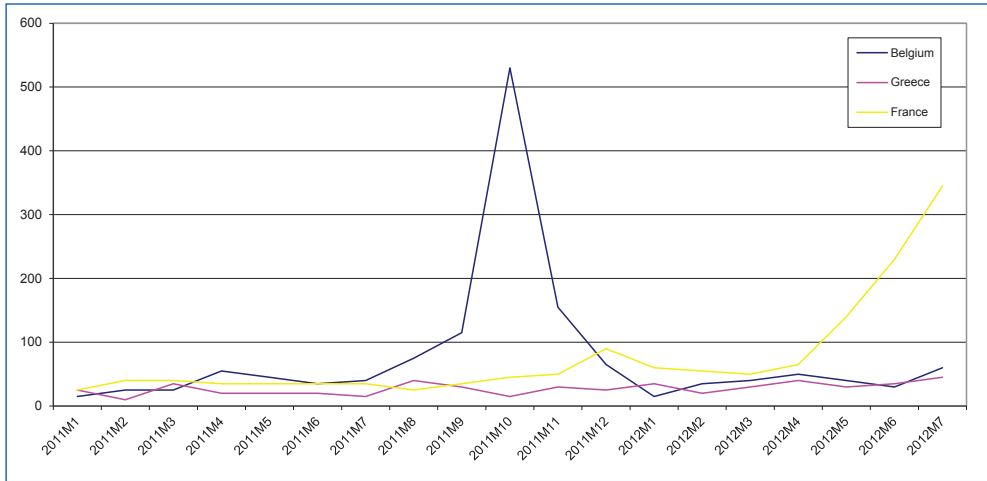
15. Frontex, 'Western Balkans Annual Risk Assessment 2011' April 2012, p. 17

16. Office of the Commissioner General for Refugees and Stateless Persons, 'Asylum Statistics Monthly Report' May 2012, p. 6

17. *Shekulli* newspaper online, 'Belgium Returns 51 Asylum Seekers to Tirana' 24 October 2012

The drop of asylum applications by Albanian citizens in Greece during January-June 2012 can be partly explained by the decrease of Albanian circular migration for labor purposes towards this country due to scarce labor opportunities. Additionally, new legal traveling channels enabled by visa liberalization provided Albanian potential labor migrants more opportunities to diversify their destination choices other than Greece.¹⁸

Graph 1: Monthly asylum applications from Albania in Belgium, Greece, and France during January 2011-July 2012



Source: Eurostat: Asylum and new asylum applicants by citizenship, age, and sex monthly data (rounded)

Albanian asylum applications' recognition rate in EU states appears low during 2011 as well. The same trend is also noted in specific countries, where most applications were rejected: Belgium rejected 415 out of 445 applications), Greece gave 405 refusals out of 410 applications, and France made 425 rejection decisions out of 465. Table 3 gives details.

¹⁸. Frontex, 'Fran Quarterly 2012' Issue 2 April-June 2012, pp. 32-37



Table 3: First instance decisions on Albanian asylum applications in EU countries (2011)

Countries	Positive decisions	Rejected decisions	Total decisions
EU	250	1760	2010
Belgium	30	415	445
Denmark	0	5	5
Germany	15	55	70
Ireland	0	25	25
Greece	5	405	410
Spain	0	5	5
France	40	425	465
Italy	65	25	85
Cyprus	0	5	5
Luxembourg	0	15	15
Netherlands	0	25	25
Austria	5	10	15
Finland	0	5	5
Sweden	20	165	185
United Kingdom	75	185	260
Norway	0	35	35
Switzerland	0	25	25

Source: First instance decisions on applications by citizenship, age and sex quarterly data (rounded)

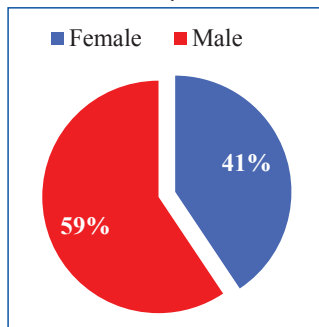
PERSPECTIVES OF ALBANIAN ASYLUM SEEKERS IN BELGIUM, FRANCE, AND GREECE

Semi-structured interviews with Albanian asylum applicants awaiting final decisions in Belgium, France, and Greece were conducted to gather insight on their profile and “asylum-seeking” experiences. The survey used for such interviews contained two sections.

General Profile of Asylum Seekers

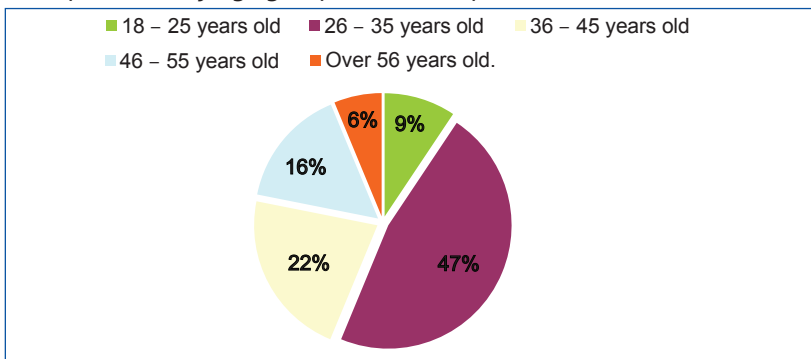
The first section of the survey gathered information on applicants’ country, gender, age group, education level, and region of origin

Graph 2: Gender representation: total sample



Source: IDM survey with asylum seeker residing in EU countries

Graph 3: Respondents by age groups: total sample

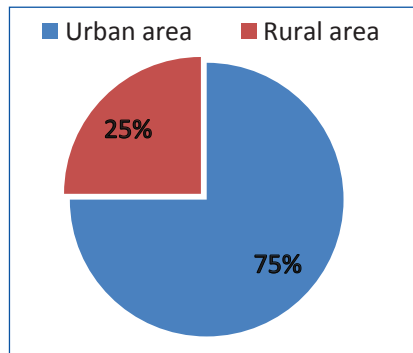


Source: IDM survey with asylum seeker residing in EU countries

Age representation shows that most of the respondents belong to the 26-35 year-old (47%) and 36-45 year-old (22%) age groups, which constitute the most active labor force.¹⁹ At country level, France represents the youngest sample with 70% of respondents belonging to the age group of less than 35 years old, followed by Greece with 53% of respondents below 35 years old. In Belgium, 58% of respondents are over 35 years old.

Concerning residence prior to migration (Graph 4), 75% of respondents lived in urban areas considering the total sample. The same trend appears also at county level. In France 60% of respondents originate from urban area, in Greece 50 percent of respondents lived in urban areas, and in Belgium only 42% of the interviewees came from urban areas prior to migration.

Graph 4: Respondents living in urban and rural areas: total sample



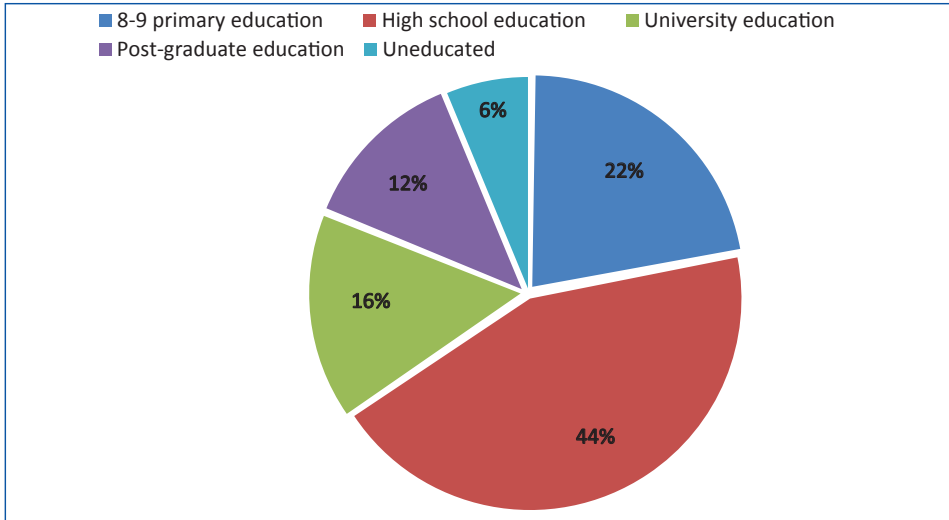
Source: IDM survey with asylum seeker residing in EU countries

Overall education level reveals that 43% of respondents completed high school, 22% attended elementary school, whereas 16% hold a university degree. About 13% of respondents hold a postgraduate degree, as compared to 6% of respondents who did not attend school (Graph 5). At country level, Greece respondents' education background shows that 39% of the respondents have attended high school, 20% have completed university, and 27% have attended post-graduate studies. Belgium respondents as well present "satisfactory" education standards with 57% of the respondents having completed high school, and 14% percent of them holding a university degree. Surveyed asylum seekers in France rank third with 40% of the

19. In 1995, migrants represented 26% of Albanian labor force; in 1998, 71% of them were 20-31 years old; and, in 2009, over 35% of the country's labor force migrated. Gedeshi, I. and De Zwager, N. 'Effects of Global Crisis on Migration and Remittances in Albania' In: The World Bank, 'Migration and Remittances during the Global Crisis and beyond.' June 2012, p. 239

respondents with secondary education.

Graph 5: Education level of respondents: total sample

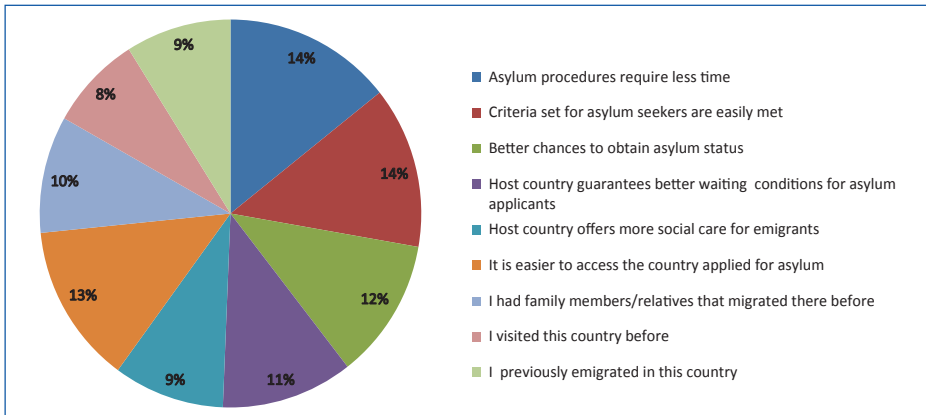


Source: IDM survey with asylum seekers residing in EU countries, 2012

Experience as Asylum Seekers

The second section of the survey includes information on reasons for choosing a specific asylum country, whether respondents applied alone or with their families, whether they received information prior to migration, sources of information and reasons presented to asylum authorities.

Graph 6: Reasons for applying for asylum: total sample



Source: IDM survey with asylum seekers residing in EU countries, 2012

Overall data on the factors influencing the decisions to request asylum in

respective countries (pull factors) show that the most prompted pull factors are: 15% of the respondents state 'asylum procedure require less time' (15%), 'criteria for asylum seekers are easily met' and 'it is easier to access country when applied for asylum' (13% each factor). Some 12% of the respondents state 'better chances to obtain asylum status' as pull factor, 11% state 'the hosting country guarantees better waiting conditions for asylum seekers' and 10% state 'I had family members/relatives that emigrated there before'. The less prompted group of pull factors includes 'the hosting country offers more social care for emigrants' (9%), 'I previously emigrated to this country' (9%) and 'I visited this country before' (8%).

However, pull factors vary among countries. In Belgium, the most mentioned pull factors include 'asylum procedures require less time', and 'the hosting country guarantees better waiting conditions for asylum seekers' (16% each factor) followed by 'criteria for asylum seekers are easily met' (15%), 'the host country offers social care for emigrants' and 'it is easier to access country when applied for asylum' (14% each). In France, the most prompted pull factors are: 'I previously emigrated to this country' (16%); 'asylum procedures require less time' (14%); 'criteria for asylum seekers are easily met' (13%); and 'I visited this country before' (12%). In Greece, the main pull factors include: 'it is easier to access the country when applied for asylum' (16%); 'asylum procedures require less time' (14%); 'criteria set up by authorities are easily met'; and 'better chances to obtain asylum status' (13% each factor) (Table 4).

Table 4: Reasons for applying for asylum in individual countries

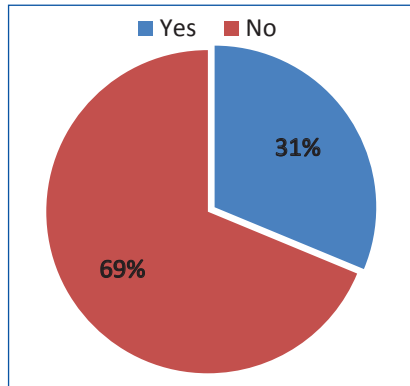
Reasons	Belgium	France	Greece
Asylum procedure require less time	16 %	14 %	14 %
Criteria for asylum seekers are easily met	15 %	13 %	13 %
Better chances to obtain asylum status	10 %	11 %	13 %
The host country guarantees better waiting conditions for asylum applicants	16 %	11 %	9 %
The host country offers more social care for emigrants	14 %	6 %	10 %
It is easier to access the country when applied for asylum	14 %	9 %	16 %
I had family members/relatives that emigrated there before	5 %	8 %	13 %
I visited this country before	5 %	12 %	6 %
I previously emigrated to this country	5 %	16 %	6 %

Source: IDM survey with asylum seekers residing in EU countries, 2012

Overall, most respondents (68%) applied for asylum with their families and only 38% applied alone.

Another question was whether respondents received information prior to migration. While 31% of respondents answered positively to this question, 69% stated that they received no information on the hosting country prior to migration. (See Graph 7.) At country level, in Belgium none of the respondents were previously informed, while in France only 30% of respondents have received prior information. In Greece, respondents that were previously informed amounted to 47%, which is not surprising considering country's proximity and the 20 years migration experience of Albanian immigrants in Greece.

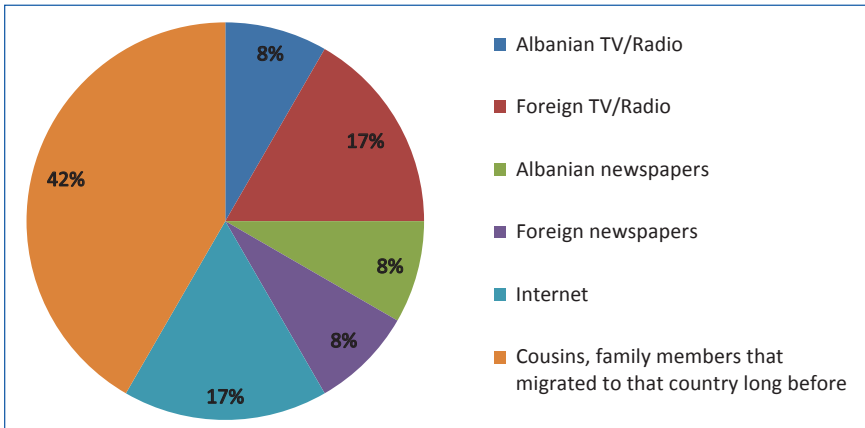
Graph 7: Information prior to applying for asylum: total sample



Source: IDM survey with asylum seekers residing in EU countries, 2012

Respondents that received information prior to migration were asked to identify information sources. About 42% of respondents state as information source the relatives and family members that previously migrated to that country; 17% say foreign TV/radios, and 18% were informed from internet. Albanian and foreign newspapers and Albanian TV/radio as information sources account each 8% of the total sample. (Graph 8) In Greece, 56% of respondents were informed from family members residing there. In France, 67% of respondents received information via foreign TV/radio.

Graph 8: Sources of information prior to migration: total sample



Source: IDM survey with asylum seekers residing in EU countries, 2012

Most respondents present the following reasons (push factors) to asylum authorities: employment purposes (28%), blood feud²⁰ (22%) and life threats (16%). Some 13% of respondents applied for asylum for family re-union and 9% of them did so for political reasons.²¹ The less prompted reasons are property conflicts²² and healthcare problems (6% each).

While the answers indicate a tight difference, the main push factors of Albanian asylum seeking are generally economic. In addition, a European Training Foundation study states that 2/3 of respondents wish to migrate for economic reasons.²³

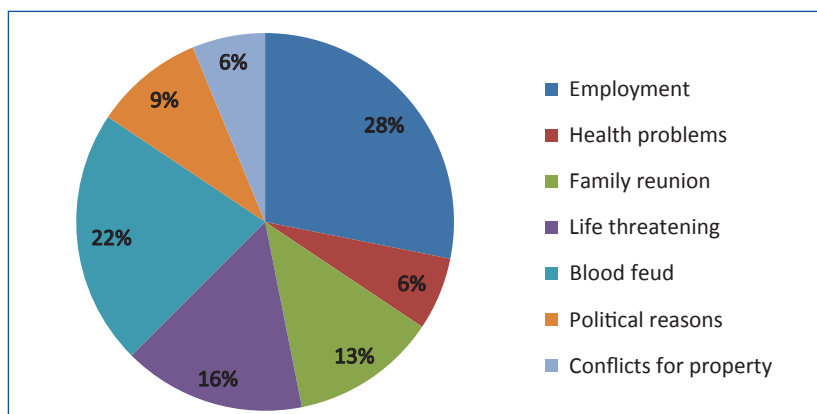
20. Threats because of blood feud have often been used as reasons to migrate and seek asylum by Albanian families from the north of the country. Following VLA enactment in 2011, many Albanians applied for asylum in EU countries on blood feud claims.

21. Political insecurity was used as a reason by Albanian migrants during 1997-1998 following state collapse due to pyramidal schemes and in 1999 due to the conflict in Kosova. After 2000, improvement of social and political stance reduced the use of such claims. Albanian asylum seekers used these claims with the belief that international protection is more easily ensured when applying on non-economic claims.

22. Property related conflicts re-appeared after 1991 when massive internal movements of people from mountainous areas towards the coast and lowlands commenced. Disorganized internal movements coupled with lack of legal framework and weak institutions triggered disputes over land ownership that often deteriorated into violence.

23. European Training Foundation, 'The Contribution of Human Resources Development to Migration Policy in Albania' 2007, p. 28

Graph 9: Reasons presented to asylum authorities when applying for asylum: total sample



Source: IDM survey with asylum seekers residing in EU countries, 2012

Push factors differ among the countries under study. In Greece, economic reasons prevail (60%) versus other non-economic reasons. In Belgium, most respondents applied for asylum based on blood feud (43%), conflict for properties (29%), political reasons (14%) and life threatening (14%). In France, 40% of respondents applied for asylum based on blood feud claims, 40% state life threatening was the motivation, while the remaining 20% maintain political reasons as push factors as shown in Table 5.

Table 5: Reasons presented to authorities by country of applying for asylum

Reasons presented to authorities	Belgium	France	Greece
Employment			60 %
Health problems			13 %
Family reunion			27 %
Life threatening	14 %	40 %	
Blood feud	43 %	40 %	
Political reasons	14 %	20 %	
Property conflicts	29 %		

Source: IDM survey with asylum seekers residing in EU countries, 2012

Survey data show that in France and Belgium push factors such as life threatening, blood feud, and political insecurity prevail over economic and family related ones, while in Greece the opposite is observed. In addition, according to this survey, Albanians applying for asylum in Belgium and

France originate mostly from north Albania, an area with scarce economic opportunities and serious concerns over phenomenon of blood feud.

To properly address root causes beyond asylum seeking, there is the need to develop a sound framework of policies that address challenges of migration and re-integration. With this reasoning in mind, chapter 6 assesses the strategy on returned Albanian citizens and its action plan.



STRATEGY ON REINTEGRATION OF RETURNED ALBANIAN CITIZENS AND ITS ACTION PLAN

The Strategy

The Strategy on Reintegration of Returned Albanian Citizens 2010-2015 and its Action Plan were adopted in June 2010. It addresses all returned Albanian citizens despite the form of return but focuses mostly on the returned under the re-admission agreements. Although positively assessed by the EC for managing migration and addressing reintegration, this assessment refers mainly to implementation of re-admission agreements.²⁴ Moreover, the strategy was drafted in a short time and consequently addresses issues related to migration management and re-integration of returned citizens partially.

The strategy contains four chapters. Chapter 1 describes the history of return migration and the progress of measures implemented under the National Strategy on Migration. Chapter 2 provides the vision of the strategy and sets forth the objectives and measures to be implemented. Chapter 3 defines the institutions and the means for monitoring and accountability and chapter 4 includes the Action Plan.²⁵

Analysis of the Action Plan

The Action Plan includes 3 priorities, 10 specific objectives, and 42 measures. Annex 1 provides detailed analysis of these measures. While level of implementation is reported high (86%) in 2011, several issues need to be addressed in order to have a framework of measures that generate sustainable migration management and re-integration service in the long run.

- The main **legislation that regulates re-integration of Albanian re-**

24. European Commission 'Albania 2011 Progress Report: Enlargement Strategy and Main Changes.', p. 55

25. Republic of Albania, "Strategy on Re-integration of Returned Albanian Citizens 2010-2015.", June 2010, p. 20



turned citizens is mostly in place. It is observed, however, that the concrete impact of such legislation is not assessed.

- **The institutional framework in support of re-integration of returned citizens** through the establishment of Migration Counters in all Regional Employment Offices is in place. Yet, registration of returned citizens at MCs remains low indicating the need to rebuild the trust in public authorities by forging ties with the business community and civil society.²⁶ In addition, MC should offer concrete services other than simple information in order to increase their efficiency and to serve as adequate structures for re-integration of returned Albanian citizens.²⁷
- **The support of the re-integration of Albanian returned citizens within the economic and social life of the country** does not include appropriate measures to match the objective. Informative measures prevail upon concrete interventions supporting re-integration. Out of 24 measures within priority C, 11 just aim at provision of information). While important at the first stages of the process, these measures need to be reduced in favor of concrete interventions.
- **The integration of returnees in vocational training and labor encouragement programs** is mostly aimed to include returned citizens within the existing programs for labor promotion and vocational training that include other groups of the population as well. Accordingly, respective measures do not include any new intervention tailored to returnees' needs. Moreover, few returnees participate in vocational training and labor encouragement programs.
- **The re-integration of returnees in education system** consists of law-oriented measures which do not entail any concrete action.
- **The re-integration of returnees into social and healthcare insurance schemes and offering them psycho-social** concern mainly the inclusion of returnees into existing programs and preclude no specific intervention addressing their needs. Moreover, the number of returned citizens that benefit from social security and healthcare insurance schemes remains low.
- **The housing needs of returnees and inclusion into agricultural**

26. Report by the Special Rapporteur on the Human Rights of Migrants, François Crépeau, on His Mission to Albania, 13 December 2011

27. Ibid, p. 13

schemes are not adequately addressed. Measures addressing housing needs of returnees include only provision of information and changes of legislation, contributing with no concrete intervention. In addition, the impact of measures that concern incorporation of Albanian returned citizens into schemes for agricultural investment is not assessed. Likewise, measures concerning integration into agriculture support schemes have no practical effect since no returnee has applied for such schemes.

- **Cooperation with civil society needs to be further strengthened, at local level in particular.**



RECOMMENDATIONS

An analysis of trends of Albanian asylum seekers during visa liberalization revealed that the largest increase in applications occurred in the second half of 2011 onwards. Although not as intense as asylum claims from Serbia and Macedonia, Albanian asylum applications do pose concerns. Regarding root causes beyond asylum claims, survey with asylum seekers re-emphasized that the main push factors behind illegal migration and asylum seeking remain domestic social and economic concerns. While blood feud cannot be dismissed as a genuine reason for Albanian asylum seekers, during 2011-2012 it has been largely “misused” and over-publicized by media.

Since major push factors for illegal migration and asylum seeking relate to domestic social and economic concerns to the long term migration management and for a functional re-integration framework, the following recommendations need to be considered:

- The drafted Strategy on Re-integration of Returned Albanian Citizens needs to be assessed and consulted with independent stakeholders from international and domestic organizations that provide migration expertise.
- Measures aiming at only provision of information should be reduced to the favor of concrete interventions supporting the registration of returned migrants, the assessment of their needs in different areas and their sustainable re-integration in order to reduce illegal migration and asylum seeking.
- While the legal framework supporting re-integration is in place, further adjustments are important to respond to the dynamics of this process.
- Considering the low number of registration at Migration Counters, efforts other than provision of informative service are needed to make these structures operational.
- Specific programs encouraging employment and addressing vocational training needs of returnees to meet their needs should be drafted so as

to ensure economic re-integration of returned citizens.

- Concrete interventions based on thorough assessments should be undertaken to address housing problems and re-integration in the education system.



DETAILED ANALYSIS OF THE ACTION PLAN FOR THE STRATEGY ON RE-INTEGRATION OF RETURNED ALBANIAN CITIZENS

Priority A: Improvement of legal framework supporting re-integration *Objective 1.1: Improving the legal basis concerning re-integration support*

- Measure 1: Amendments to the Law No. 9668/2006 "On Emigration of Albanian Citizens for Employment Purposes" Article 2 (14) concerning the definition of returned migrant, Article 13 on the "Status of Emigrant" and Article 8 (1) "The right to Benefit from Public Services."
- Measure 2: Amendment to the Order No. 1722, dated 18.09.2007 "On the Form and Content of Migration Card and the Procedure to Obtain the Status."
- Measure 3: Amendment to the Order No. 2086, dated 13.11.2007 "On the Form and Content of Migrant's Register and the Registration Procedure in conformity with Article 104(4) of the Constitution of Albania and Article 12 of the Law No. 9668/2006 on the establishment of a database on Returnees Registered at Migration Counters (MC).
- Measure 4: Inclusion of returned citizens with economic problems in special groups of unemployed jobseeker that benefit from employment promotion programs, namely: Amendment to DCM No. 632, dated 18.9.2003 "On Employment Promotion Program for Unemployed Female Jobseekers"; amendment to DCM No. 48, dated 16.1.2008, "On Degree and Criteria for Benefiting from Employment Promotion Program for Unemployment Jobseekers in Difficulty"
- Measure 5: Prepare and adopt amendments to Minister of Labor's Order No. 782, dated 4.4.2006, "On Tariffs of Vocational Training System" to ensure free of charge vocational training for returned citizens with economic problems in the regional directorates of vocational training.
- Measure 6: Prepare and adopt amendments to Law No. 9232, dated 13.5.2004, "On Social Housing programs for Inhabitants in Urban Areas"

to provide long-term solutions to housing problems of returned homeless Albanian citizens through social housing programs; amendment to DCM No. 53/2005 on documents to be completed by returned migrants to apply for housing.

- Measure 7: Include in the Instruction of the Minister of Education and Science "On the Start of the New Academic Year" the modalities and actions to be undertaken for the children of returned Albanian citizens with regard to first time registration of children born abroad in the Albanian educational system; continuation of studies commenced abroad, and recognition of certificates and diplomas.
- Measure 8: Revise the annual DCM on support schemes.
- Measure 9: Amendment to the annual joint instructions of the Minister of Agriculture and Minister of Finance.

Analysis²⁸

Measure 1 is implemented with the adoption of the Law No. 10389, date 18.12.2011, "On Some Changes and Additions to Law no. 9668, "On Migration of Albanian Citizens for Employment Purposes". According to this law, returned Albanian citizens are included within the definition of migrants, can be granted the status of emigrant, and can benefit from relevant state services. Beyond relevant normative changes, this measure does not provide any evidence on how changes in legislation influenced re-integration of returned citizens.

In terms of the implementation of measure 2, the Minister of Labor issued an order aiming to include returned Albanian citizens into the category that benefit from migration status. This measure provides no evidence on how changes in legislation influenced re-integration of returned citizens.

Measure 3 is implemented by an order of the Minister of Labor that aims to include returned Albanian citizens within the register of migrants. In addition, this order stipulates the establishment of a database with data on returned Albanian migrants at Migration Counters (MCs). This measure is rather useful since the creation of a database on Albanian returned citizens is the first step towards addressing their needs.

28. Technical Secretariat, 'Monitoring Report on the Implementation of the Action Plan of the Strategy on the Return and Re-integration of Albanian returned citizens.' December 2011, pp.12-17



The implementation of measure 4 incurred the adoption of relevant changes in legal acts to incorporate returned Albanian citizens in the specified programs for employment promotion.

Measure 5 was implemented by an order of the Minister of Labor aiming to include returned Albanian citizens within the categories benefiting free vocational training.

Measures 4 and 5 aim inclusion of returnees within the existing programs and entail no new programm on vocational training tailored to their needs. Moreover, there is no evidence on the impact of the proposed changes in legislation regarding inclusion of returnees in employment promotion and vocational training programs.

Measure 6 is reported as under implementation. Irrespective of its status, this measure seeks to invoke changes in the legal framework but does not specify the impact of such changes in addressing the housing needs of returnees.

Measure 7 had three fully-implemented components. Moreover, this is the only measure within priority A to report concrete data on the number of registered returned children and on diplomas and degrees recognized, measuring its impact in concrete terms.

While implementation of relevant legal acts has been concluded, concerning measures 8 and 9, their impact on re-integration is limited. Moreover, the monitoring report stated that no Albanian returned citizen has applied to benefit from agricultural supporting schemes until the end of 2011 regardless of the granted preferential treatment.

Priority B: Set up effective and adequate institutional framework to guarantee reintegration support for Albanian returnees

Objective 2.1: Establish and improve the institutional framework concerning reintegration support to returnees

- Measure 10: Establish Migration Counters (MC) in all Regional Labor Offices (RLOs)
- Measure 11: Disseminate re-integration information of returnees during interviews at BCPs.
- Measure 12: Improve cooperation with competent state authorities for exchanging relevant information, set up contact points with each re-

sponsible state authority; organize periodical meetings; exchange periodical information on return cases.

Analysis

Implementation of Measure 10 called for the establishment of migration counters, which were set up in all RLOs by June 2010 and 2715 citizens were assisted with information and referral services by December 2011. Nevertheless, available data indicate that the number of registered citizens at MCs is lower as compared to registrations at Border Crossing Points (BCP) during December 2010-April 2012 (7738).²⁹

With regard to implementation of Measure 11, the report provides figures of fliers, posters, and billboards with information on re-integration services distributed in BCPs assigned for the readmission of returned citizens. Similar to measures 18 and 19, this measure does not go beyond provision of information at BCPs and entails no concrete intervention. Such measures need to be reduced to favor tangible interventions.

Under measure 12, contact persons were assigned in all institutions for exchanging information. Four periodical meetings have been organized during 2010-2011 to increase cooperation and improve exchange of information for monitoring the implementation of the action plan. Likewise, this measure endeavors just exchange of information, re-emphasizing the fact that strengthening of institutional framework for re-integration purposes requires more than exchange of information.

Objective 2.2: Increasing capacities of structures tasked with re-integration

- Measure 13: Train MC Staff on interviewing, identification of needs, provision of information, and referring returnees to services;
- Measure 14: Fulfill conditions for accommodating and interviewing returnees sent back by police of other states to BCPs approved for readmission.
- Measure 15: Provide transportation of returnees from BCP to the nearest urban centers and for vulnerable groups to the nearest resident centers;
- Measure 16: Fulfill the need of returnees for food, water, and medicines

²⁹. This data is provided by the Border and Migration Police.



at the BCPs;

- Measure 17: Expand the scope and topics treated in the annual seminar of teachers to enhance their skills in the light of a long term action plan on readmitted persons.

Analysis

For the implementation of measure 13, two trainings were conducted with MC staff to improve their capacities in offering services; 3 trainings and 1 workshop were organized on "Return and Accommodation Policies" in 16 regions and a 4-day training course was conducted with MC staff. The measure is adequate for increasing the capacities of the MC staff.

In terms of measure 14, 10 BCPs and 17 Border Police Stations are assigned with the re-admission procedures and have been provided with accommodation room and logistics. Nevertheless, UN special rapporteur expresses concerns regarding the quality of facilities at BCPs used for accommodation of returnees.³⁰

For measure 15, the report mentions that the transport of returned citizen to nearest urban centers for the BCPs of Kapshtica, Kakavija and Qafë Bota is outsourced to transportation companies. The rest of BCPs provides transport of returnees using BMP vehicles.

The report states that only few citizens ask for food, water, and medication. This relates to measure 16.

Measures 14 through to 16 are of a general character and do not specifically target returnees, but can be applicable to other categories of returned migrants as well. Secondly, they are not focused in strengthening of institutional capacities, but mostly in providing humanitarian services at BCPs.

Concerning measure 17, programs in the Albanian language and heritage for children of Albanian returnees were drafted in July 2010 and yearly seminars for teachers were organized in July 2010 and August 2011. This measure does not provide any evidence on the concrete impact of its curricula on the returned children.

30. Report by the Special Rapporteur on Human Rights of Migrants, François Crépeau, on his mission to Albania, 13 December 2011.' p.17.



Priority C: Integration of Albanian returnees in the economic and social life by information, referral, and direct services

Objective 3.1: Support economic reintegration of returnees through information

- Measure 18: Prepare fliers and brochures regarding MCs and their role and distribution of these informational to returnees at BCPs.
- Measure 19: Prepare and disseminate informative posters on MC at BCPs.
- Measure 21: Publish leaflets with information on how to open a business in Albania; where to invest in Albania; support programs on small and medium enterprises (SMEs); social care and social insurance schemes, access to healthcare system, as well as conditions, documentation, procedures and criteria to entitlement
- Measure 22: Deliver information on crediting possibilities for returnees within the Italy Albania SME Development Program.
- Measure 23: Disseminate information envisaged in the action plan on Albanian diplomatic missions abroad
- Measure 24: Post in the websites mpcs.gov.al and migrantinfo.gov.al information supporting returnees' reintegration.

Analysis

The report provides detailed evidence on fliers and posters prepared and disseminated on MC, with regard to implementation of measures 18 and 19. Both measures could have been incorporated into one since they serve the same purpose.

The monitoring report provides detailed information on the number of fliers and brochures prepared to implement measures 21 and 22. For these measures, it should be noted that the majority of returnees do not possess any economic, human, or social capital earned during migration. Therefore, the information provided on SMEs and on opening up a business in Albania is probably unnecessary for this category of returned migrants, unlike to other categories of successful returned migrants

Concerning measure 23, again the report provides details on distributed fliers and brochures with information on voluntary return and re-integration



among Albanian missions abroad and on training of consular staff to assist returned migrants. While the measure is for the distribution of information to Albanian returnees by Albanian missions abroad, indicators such as training of consular staff on assisting Albanian returned migrants are also reported, even though these activities fall out of the scope of this measure.

Regarding measure 24, the websites is functional and provides information on Albanian returnees' re-integration services, even though several sections lack information and need updates.

Objective 3.2: Support economic reintegration of returnees through employment promotion programs

- Measure 25: Involve eligible returnees with economic problems into employment promotion program intended for: (i) unemployed female jobseekers; (ii) unemployed jobseekers in difficulty; (iii) on-job training and, (iv) vocational internship program.
- Measure 26: Identify the needs for vocational training of returned Albanian citizens.

Analysis

According to the report, during 2011, 2278 returnees were registered as unemployed jobseekers to be enrolled in employment promotion programs. this report provides details of returnees assisted through these programs (measure 25). This measure strives to include Albanian returnees into existing employment promotion programs, but does not preclude any new program tailored to their needs.

Concerning measure 26, needs for professional skills of returnees are identified and curricula are drafted for vocational training programs in repairing solar panels, hairdressing and esthetics, and sewing. The report does not specify how the needs were assessed.

Objective 3.3: Support economic reintegration of Albanian returnees through inclusion in public vocational training courses

- Measure 27: Participation of eligible returned emigrants of economic problems in free public vocational training courses; adaption of existing

curricula.

- Measure 28: Strengthening of vocational training capacities by reconstructing the center for vocational formation no. 4 in Tirana

Analysis

With regard to implementation of measure 27, 17 Albanian returnees received vocational training and training programs were approved on solar panel repair, hairdressing, and sewing. The number of beneficiaries for this measure is low and no reference is made whether beneficiaries belong to returnees experiencing economic problems as specified in the measure.

The monitoring report states that measure 28 is not implemented. The scope of this measure is very narrow as it focuses only in reconstructing a single facility in Tirana. Consequently, even after implementation, its impact might be rather limited.

Objective 3.4: Support reintegration of Albanian returnees in general education and vocational training systems through information and services

- Measure 29: Include in the Regulation on the Functioning of Regional Education Directorates (RED) and Education Offices (EO) annual tasks on the reintegration of Albanian returnees and cooperation modalities with all local institutions involved in assisting this category.
- Measure 30: Draft special curricula for extra classes on Albanian language by Ministry of Education and Science (MES).
- Measure 31: Organize summer schools where returned children can participate to receive supplementary classes on Albanian language and grammar.
- Measure 32: RED and EOs include in their yearly plan the following tasks: the Sector of Statistics identifies and periodically reports to the MES the registration and accommodation of children of returnees in the educational system; the Sector of Curricula and Quality prepares educational programs assisting these children by identifying their needs by age groups; the Sector of Curricula and Quality shall cooperate with the Institute for Educational Development and specialized NGOs providing training programs to this category of pupils.



- Measure 33: The National Agency on Vocational Education and Training in cooperation with specialized national and international institutions shall adapt the curricular policies with the needs of returnees for vocational education and training.

Analysis

Measure 29 is assessed as implemented by the issuance of relevant orders by the Minister of Education and Science. However, this relates to amendments in legislation and its legal focus generates little practical impact concerning re-integration of Albanian returned citizens in the educational system.

With regard to the implementation of measure 30, it is reported that an order of Minister of Education and Sciences was approved and curricula for supplementary classes on Albanian languages was drafted in 2010. No evidence on the concrete impact concerning re-integration of returned citizens in education is reported.

Implementation of measure 31 included opening of six summer schools where Albanian language classes were given in four regions and 50 pupils were registered there. This measure offers no specific program for Albanian returnees but rather includes them in existing summer schools.

Regarding measure 32, a directive of the Minister of Education and Science was issued in 2011 to require REDs and EOs to include the tasks under this measure in their annual teaching plans. During 2011, 321 children of returnees were accommodated in the pre-university schooling institutions. Additionally, REDs did not identify any specific needs for children of returned Albanian migrants and, consequently, did not request any extra training program. This measure precludes inclusion of returned children into the existing system and entails no concrete intervention based on their needs. Moreover, it draws in little practical intervention and focuses mainly in the adoption of laws and regulations.

The implementation of measure 33 required the adaptation of 44 curricula on public vocational training so as to enable vocational training for returnees'. However it is not specified how returnees' needs were assessed and evidence on the impact of this measure is lacking.



Objective 3.5: Support reintegration of returnees in the healthcare system, health insurance schemes, and social protection

- Measure 34: Provide guidance through social workers at Public Health Directorates; Train social workers to provide services;
- Measure 35: Provide information and immunization according to the travel itinerary and geography of stay and travel.
- Measure 36: Inform, analyze, grant cash payments, and deliver social care services to Albanian returned citizens in local governance units.

Analysis

Concerning measure 34, information and guidance of returnees is provided by social workers through Psychosocial and Mental Health Service available for the rest of the population as well.

For the implementation of measure 35, the report states that all childcare centers in Albania have provided information on/and immunization and vaccination within the existing system and provides evidence on the number of returnees registered at family doctors and on children continuing their vaccination calendar.

On implementation of measure 36, the monitoring report provides data on the number of returnees granted with general and regional economic aid. Figures appear low compared to the number of returnees registered in MC.

Measures 34, 35, and 36 contain no specific intervention for return citizens but merely aim their integration into the existing healthcare system and economic aid schemes. Moreover, regarding economic aid granted to returned citizens, under measure 36, the report refers to both families and citizens creating confusion

Objective 3.6: Support reintegration of returnees by offering psycho-social services on as-needed basis

- Measure 37: Offer psychological support within the education system for adjustment with school, relations with community and other pupils as well as for relations between them and teaching personnel.



Analysis

The report on measure 37 section states that the staff offering psychological services was trained to provide this kind of support to returned citizens and that psychological service has been delivered to 52 Albanian returnees at schools. While psychological service for returned children is necessary, the latter are treated within the same framework as other Albanian citizens.

Objective 3.7: Support reintegration of returnees offering information on local housing programs, facilitating and accelerating solution for most problematic and urgent cases and providing long term solution through social housing programs

- Measure 38: Amendments to the Law No. 9232, date 13.5.2004 “On Social Housing Programs for Residents of Rural Areas” to offer temporary solution for emergency cases. Planning of funds for housing bonus for about 50 households/persons.
- Measure 39: Provide the necessary information to Albanian returnees on local housing programs in coordination with other institutions and local governance units: prepare about 160,000 informational leaflets; coordinate with other institutions to include information in fliers, provide required information on local governance units.

Analysis

Measure 38 is reported as under implementation. Other than the fact that the required draft law has been submitted to the Council of Minister for adoption, no evidence is provided on the implementation of the housing funds for 50 families of returned citizens. In overall, it can be concluded that this measure is mostly normative and does not entail any concrete intervention to address the housing needs of returnees.

As far as the implementation of measure 39 is concerned, the report states that 5,000 fliers with information on housing possibilities for returnees have been printed. Firstly, the number of planned fliers lags behind planning. Secondly, the measure stipulates no concrete intervention on housing for returned citizens, but is limited to dissemination of information.

Objective 3.8: Support reintegration of returnees from rural areas by means of programs on promotion of agricultural investment.

- Measure 40: Include Albanian returnees from rural areas into programs on promotion of investment in agriculture.

Analysis

The monitoring report's section on implementation of measure 40 states that during 2011 no Albanian returned citizen applied to schemes on promotion of investments in agriculture. Consequently, this measure has no concrete impact on the re-integration of returned citizens.

Objective 3.9: Reintegration of Albanian returnees through cooperation with civil society.

- Measure 41: Establish a database at MCs on projects applied by local and international civil society organizations in each region
- Measure 42: Guide returnees to local and international organizations that address their problems

Analysis

The monitoring report states that regarding the implementation of measure 41, databases on local and international organizations providing services to returnees have been created in 4 regions out of 12.

For the implementation of measure 42, the monitoring report offers detailed evidence on returnees from different regions instructed to national and international organizations delivering programs on promotion of employment, vocational training, and other social services.



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