

Integrated Border Management in the EU: The Albanian Experience

Miranda Boshnjaku

PHD candidate at the Faculty of Law, Tirana University. Currently employed in the Directorate of State Police, Albania
Email: mirandaboshnjaku@yahoo.com

Doi:10.5901/ajis.2016.v5n3s1p569

Abstract

Albania has recently applied for EU membership following overwhelming popular support and ongoing electoral promises from both sides of the political spectrum. Consequently, Albania has had to reform not only its core legislation but has also signed various treaties with the EU in order to implement in partnership common policies and practices, in particular with regional EU members. This paper will focus on border security from the perspective of Integrated Border Management (IBM), which promotes a model/approach first introduced in the EU/Schengen in 2006, to become the standard practice in the field of border security administration. This model has recently been taken over by Albania and integrated in its legislation, strategic targets and shapes practices related to the management of its borders. Primary data were collected from the following activities: meeting with immigration officials at various levels, brainstorming sessions focusing on the key legal and institutional issues; field assessment of procedure applications and periodical monitoring. This study highlights several factors which exercise encouragement and deterring pressures, favoring and hindering legal harmonization of Albanian legislation with the IBM model. This factors include underdeveloped infrastructure which needs continuous improvement and capacity building, with regular checks and monitoring, bilateral cooperation with measures in external borders particularly related to cross-border surveillance, human trafficking, organized crime, screening and returns of irregular immigrants. While legal harmonization between Albania and the EU has to a high degree been achieved, several factors may hinder the successful implementation of the IBM model. Best practices and initiatives need maintenance and regular checks to ensure that infrastructure and capacities can respond to new border-related situations and that cross-border collaboration continues to be a guiding principle for EU and non-EU neighbours.

1. Introduction

1.1 IBM in EU

In one of the most recent publications of FRONTEX can be read the following: "An EU border guard has on average just 12 seconds to decide whether the traveller in front of them is legitimate or not, or to assess if their documents are genuine."¹ This can by no means be achieved only on the basis of the information available at the border. Instead it needs an Integrated Border Management-system – a strategy as it was first adopted in the Council conclusions of the 2768th Council Meeting on Justice and Home Affairs (held in Brussels, 4-5 December 2006), where the first Integrated Border Management Strategy based on the so-called four-tier access control model was adopted. In those Council conclusions the following was mentioned: "The Council recalls the importance of the concept of integrated management of the external borders for the progressive establishment of an area of freedom, security and justice, from the Tampere Programme of 1999, the Schengen catalogue on border control, the Commission's Communication "Towards an integrated management of the external borders of the Member States of the European Union" followed by the Plan for the Management of the external borders of the Member States of the European Union of 2002, the Hague Programme of 2004, the Global Approach to Migration of 2005 and the Council Conclusions on reinforcing the southern external maritime borders of October 2006.

Work towards integrated management of the external borders has been appraised as successful regarding the following aspects: (a) Cohesion regarding legislation, in particular the Schengen Borders Code and local border traffic regulations; (b) operational cooperation and solidarity between Member States through mutual coordination and established funds.

Integrated border management is a concept consisting of the following dimensions: (a) border control (checks and

¹ *Twelve Seconds to Decide; In search for excellence; frontex and the principle of „best practice“*; James Fergusson, Warsaw 2014, pg. 15

surveillance, risk analysis and crime intelligence); (b) detection and investigation of cross border crime (c) four-tier access control model (measures in third countries, cooperation with neighbouring countries, border control, control measures within the area of free movement, including return); (d) inter-agency cooperation for border management and coordination.

To sum it up, the whole concept needs comprehensive international coordination and efficient inter-agency cooperation among all the relevant authorities at national level and finally also effective intra-service cooperation within the agencies in charge of borders and trade facilitation to allow open, but well controlled borders. Integrated Border Management was also once called one of the core compensatory measures for the assurance of free movement within this concept of a free internal market. Dealing with irregular migration is pressing, and combating organized crime already doing preventive work while preserving human rights. Following such strategic lines in the field of external borders, borders may be kept open for trade and the movement of persons while offering public safety and security for all of those entitled to benefit from the common market. In the following paragraphs, the model will be explained in further details.

2. Literature Review

2.1 Activities in third countries (of origin and/or transit)

Advice is generally required from liaison officers and legal experts in third countries (of origin and/or transit) as potential risks for irregular immigration. This requires training of officials working abroad for the Schengen States' consular posts in order to detect document forgeries before allowing further travel, at the phase of visa issue or sea/air boarding towards Schengen States. This would be an added security to the inspection and checks already carried out by the Schengen States' consular representations when issuing visas (see Regulation (EC) Nr. 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code; OJ L 243, 15.9.2009, p. 1; hereafter "Visacode"), the Handbook for the processing of visa and the modifications of issued visa and the relevant annexes). This includes inspecting documents and making queries in the Schengen Information System and the relevant national databases. The implementation of the Visacode and handling of the Visa-Information System enables tackling effectively the phenomenon of illegal immigration. Intensive consular cooperation is crucial, third-country nationals carried by air, sea or land, (see Article 26(3) of the CISA), should have the travel documents necessary for entry into the territory of the Schengen States. "Travel documents" should be valid document with a valid visa/residence permit. If third country nationals are transported to a Schengen State without regular travel documentation, carriers are subject to sanctions forced to take them back. That is why training in handling such phenomena is indispensable.

2.2 International border cooperation and bilateral agreements

International cooperation regarding border management can be local, bilateral or multilateral. Agreements with neighbouring countries are seen as an efficient way to improve border security. Efficient cooperation can be achieved by exchange of information through appropriate communication channels, shared emergency protocols, incident handling avoiding political complications. Additionally common patrolling, cross-border surveillance and hot pursuit are necessary to tackle organized cross-border criminal activities. Regional cooperation infrastructure should be established and functional bringing together countries and key players involved in the sections between the authorized border crossing points.

It seems also necessary that transit states apply coherent readmission and repatriation practices, in case there's no right of admission on humanitarian grounds or international law (e.g. the Geneva Convention relating to the Status of Refugees).

2.3 Measures at the external borders

The key elements of any relevant strategy is having consistency in border checks and surveillance, organized in light of up-to-date a risk analysis. Article 6 of the Schengen Convention sets out clearly the framework to be implemented and the Practical Handbook for Border Guards and its Annexes deliver the necessary further details and explanations on how to implement the system in full compliance with the so-called Schengen-system. All persons are checked regularly upon entry and exit and border surveillance prevents bypassing and illegal crossing. For any system to be built up in compliance with the Schengen system coherent legislation based on the EU- and Schengen-Acquis is required,

respecting data protection policies.

Appropriate infrastructure of border checks and surveillance is crucial, as well as having an adequate number of trained professionals. Adequacy of the numbers depends on several factors, like the (geographical situation, the volume of border traffic and the specific risks and threats and can be a constantly changing phenomenon, which therefore needs to be regularly assessed and adapted, if need be. A clear concept of training is needed – oriented at FRONTEX Common curricula covering operational skills, foreign languages, etc. International cooperation should be implemented in practice (such as, exchange of information, cooperation at shared border crossing points, handling of readmission situations and information-exchange through dedicated police-Cooperation Centres). When preparing full implementation of Schengen, also further special requirements are crucial, such as, a separation of passenger flows in airports between non-Schengen and within Schengen-flights with separations.

2.4 Further management activities in Schengen states

Prevention of illegal immigration and cross-border crime inside Schengen territories requires checks and surveillance measures based on national intelligence regulated by national law, including police cooperation agreements pursuant to Article 39(4) and (5) of the Schengen Convention. Surely, problems of illegal migration and organized crime are restricted to geographical locations. Therefore international traffic routes become the focus of national police forces. In line with public policy or national security a state may, after considering threats to the public safety and security, opt for a limited period national border checks carried out at internal borders. Similar measures may also be set – as a matter of last resort – and after several other support-measures i.a. through FRONTEX have not led to the necessary positive results – in case of a mass influx of irregular migrants. In such cases it has to be underlined that the main aim still remains to assist the country at the external border at risk (e.g. either through FRONTEX or EASO), but as additional safety measure – to (re)assure security and safety at the internal border, the re-establishment of controls at the internal border (for a limited period of time) is legally possible.

Repatriation should be in accordance with national legislation (see Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008), if no right to stay is granted based on compelling humanitarian grounds or international law directives. In this respect – and in compliance with the aforementioned Return Directive - a system is to be established that give irregular migrants in general the possibility to return home voluntarily and reduces the number of forced returns to a limited number of exceptional cases.

3. Research Methods

Primary data were collected from the following activities: meeting with immigration officials at various levels, brainstorming sessions focusing on the key legal and institutional issues; field assessment of procedure applications and periodical monitoring.

4. Results & Discussion

Integrated Border Management in EU is a dynamic, ongoing, refinement oriented process which aims to achieve its overall objective for open, but secure borders by foreseeing possible changes in specific and general conditions.

Currently, discussions have started to again further develop the current system of Integrated Border Management towards even more intensive cooperation, but no clear vision has been made available yet. Still, also the "Border Package" presented already in 2008 embodies the Commission's vision of the future of the integrated border management, making use of integrated technologies as part of an infrastructure that can guarantee required checks and quality surveillance at the EU's external borders anticipating future challenges.

4.1 IBM in Albania, comparing to EU standards on it

The laws which are directly linked with Integrated Border Management in Albania are The Law no 9861/2008 on Control and Surveillance of State Border and the Law on Aliens no 108/2013. Besides other orders and Decisions of the Council of Ministers, also, the new Strategy on Integrated Border Management 2014-2020 as adopted in 2014 has to be mentioned here.

The Border and Migration Police conducts its activity, besides the mentioned legal acts, also in compliance with the

other state legislation related to border or aliens, such as e.g. the Law on Maritime, the Law on Civil Aviation and the Customs Code. Due to its nature of work, the Border and Migration Police (hereafter "BMP") also has to closely take into account the relevant bi- and multilateral agreements, which regulate border security issues, aliens, asylum and all other related work fields. All pieces of legislation – and also the bi- and multilateral agreements – have to be aligned with the relevant *Acquis Communautaire*. Planning and implementation of Integrated Border Management has currently been updated in the National IBM Strategy and Action Plan 2014-2020, the second of its kind following the one of 2007-2013. The Strategy has been drafted with the assistance of international experts, aiming at having a product in compliance with European standards and includes the principles, commitments and steps regarding inter-agency, intra-agency and international cooperation. The current Strategy envisages – in an updated version - the activities of the BMP, the Customs and the National Food Authority (for phytosanitary matters), as well as of other actors operating at the border or related to the border and the cooperation between all authorities and also with other countries – all in accordance with the European Integrated Border Management Model (with international cooperation e.g. including agreements on opening shared BCPs and PCCs, joint operations and joint patrolling, exchange of information, return and readmission). Overall, and once again based on the EU four tier access-control model, the current level of IBM in Albania can be summarized as follows:

4.1.1 Issues related to countries of origin and/or transit

There are no documentation experts in third countries which have the largest flow of citizens requiring a visa to enter Albania. Furthermore, there are no direct airlines to Albania. The only activity in this field is through the liaison officers of the State Police, with a wide-range focus in the police information, and not only to border and migration. Currently, Albania has deployed liaison officers in transit countries regarding illegal migration toward Albania, like Turkey or Greece, however there are deployed liaison officers in UK, Germany and Italy too, considered as destination countries for Albanian illegal migrants. Document training within the BMP is currently, with the assistance of international partners, being enforced and this might eventually even lead to further activities in this field.

With regards to visa application and issuance for third country nationals, the Law on Aliens, the by-laws and the electronic visa system enable the prevention of attempts for irregular migration, because the analyzing and verification is conducted by three different institutions which have access in the system. The likelihood of undetected forgeries is therefore low. At this moment, there is no standardized way of training on forged documents for the Albanian Consular Staff, but also here – with the assistance of international partners – first ideas to improve the situation are under development.

The Law on Aliens adopted in 2013 has clarified and strengthened the sanctions against carriers regarding their obligations for cases of foreigners lacking proper documentation or valid visas to enter Albania. Implementation is enforced regularly.

International cooperation in the framework of border security is regulated through bi- and multilateral agreements between Albania and other countries. These contain mainly provisions for the opening of shared BCPs, for joint operations and joint patrolling, for the exchange of information and for the opening of Police Cooperation Centres. The Common Police Cooperation Centers with Macedonia and Kosovo are currently operational, pending the opening one also with Montenegro. Work is ongoing to agree on opening such a center with Greece. Joint patrolling with Montenegro, Kosovo and Macedonia continue according to the schedule defined in cooperation between parties. At present, there is no agreement on joint surveillance or hot pursuit between Albania and the neighbouring countries.

With regards to the issue of returns and readmissions, the Albanian legislation has been aligned with the European standards in this field. The agreement between Albania and EU is signed in 2008 and there are signed in further protocols with certain countries within EU, when it was necessary for the implementation of the agreement. Currently Albania is progressing in signing agreements with countries considered origin or transit of illegal migration and this process is – as in any other country – constantly ongoing to also cope with any newly arising challenge. Albania accepts its nationals who are returned from EU/Schengen as countries of origin and the nationals of third countries in cases when Albania is a transit country. Third country nationals entering and staying irregularly in Albania are currently mainly returned to the transit countries. FRONTEX continues during 2014 the training on collective joint return operation and the escorting returnees thus enabling the Albanian police personnel to apply European standards also in this field.

4.1.2 Measures at the external borders

At present in Albania, all citizens crossing the state border are registered at the electronic system TIMS. The BCPs are equipped with the basic equipment for first line and second line control. Basic equipment for checking luggage and goods is in place, but not standardized at all BCPs. The same applies to the equipment for searching in vehicles and goods at second line. The equipment is suitable at the main BCPs, but, being mainly donated by international organizations like EXBS, CARDS, OSCE, there are often problems in maintenance hindering the full use.

The Border Police Stations conduct their activity for the surveillance of the green and blue border. The current equipment for border surveillance (blue and green border) has been achieved either through donations or was again co-financed through different EU-financing mechanisms. The equipment for the surveillance of the green border has to be assessed as scarce at some places compared to the dynamics of this border line. Despite the deficiencies, achievements were marked in the surveillance of the green border. The BMP is in any case committed to have an effective surveillance of the border, yet it has to be admitted that – as regards manpower and the training of the personnel as well as infrastructure, mobility and equipment – there are still considerable investments needed to achieve a fully satisfactory level.

Also the infrastructure of several BCPs and border stations at the green and blue border has been renovated with the support of different EU-co-financing instruments like CARDS and IPA. This process is ongoing and the overall goal is to eventually reach a level in infrastructure, which can cope with border dynamics and border traffic.

With regards to training, the BMP has adopted the annual training matrix, which includes the basic BMP training, whose curricula are drafted in accordance with FRONTEX core curricula. Due to the current way of organization and functioning of the general police training in Albania, there is yet currently a handicap regarding the modalities of aligning the border police training curricula with those of FRONTEX and work to improve is definitely needed in this field.

Leadership and management training for BMP personnel are also conducted, as well as various training on documentation, blue and green border, human trafficking, crime investigation, stolen vehicles, legislation, etc. Along with training developed by the Police Education Center and BMP, a part of these training are delivered by international partners assisting the State Police such as PAMECA, ICITAP, OSCE, etc.

Inter-agency cooperation – especially with the Customs Services – is in general in place. Inter-agency cooperation with other services often depends on their presence at the respective BCPs. As the Customs Service is often focused more on financial duties (according to their field of responsibility) cooperation in this field just still can be improved and directed more towards joint activities, joint risk analysis and joint development of risk profiles – all then be used for the common goal of achieving border security.

4.1.3 Further activities inside the territory

In compliance with Law 9861 and Law 118/2013, the BMP performs controls inside the territory to detect third country nationals, who do not or no longer fulfil the conditions to stay or who might have bypassed border checks by crossing the border illegally. In this field there is good cooperation between the structures of the police and border police, but there are also still shortcomings with regards to citizens who have legally entered Albania but have violated the rules for the duration of stay ("Overstayers"), further as regards cases pointed out by other police structures and related to violations not primarily related to migration. Better cooperation and improved notification of possible cases is definitely to be pursued. The Law on Aliens and its implementation as regards the returns of aliens stipulates the voluntary returns, as well as forced returns when necessary.

5. Conclusions

As mentioned before, Albania has recently adopted the updated National Strategy on Integrated Border Management and its Action Plan for the period 2014-2020. In this strategy, further steps have been listed as regards training, infrastructure and equipment to be needed for the control and surveillance of the state border. The BMP, due to its competences and area of responsibility, continues to be the driving force in reaching the European standards as regards to border security, ranging from harmonization of legislation with the *Acquis*, implementation of recommendations and best practices of Schengen Catalogue, bringing infrastructure up to EU-standards and also enforce training on equipment to be used for the control and surveillance of state border. Customs Service, as well as other services and actors involved in IBM, are on board, but cooperation needs to be even further enhanced. Analyzing the current activities in the field of IBM the following conclusions can be drawn: (a) Albania has currently only minimal activities in third countries with regards to migration issues. Even in countries where police liaison officers are deployed, they are not focused on border and

migration issues. However, the basic legal provisions and the implementation is in compliance with Law 118/2013 as regards e.g. the obligations for carriers and training in the different fields is increasing. (b) With reference to the bilateral and international cooperation, Albania has offered its support and willingness regarding exchange of information, returns and readmissions, as well as joint patrolling. The experience of common police cooperation centers is still at a low level, as only the centres to Macedonia (Qafe Thane) and Kosovo (Morina) are operative, which the centre to Montenegro (Muriqan) still awaits finalization and the idea for a possible centre with Greece and Italy is currently being developed. Considerable work will have to be invested there to first of all achieve a harmonized level within Albania towards all of its neighbours and secondly to achieve a level, where the Albanian centres will also be able to participate as full-fledged centres on EU-level. (c) There is also room for exploration regarding a possible joint surveillance of the border with some of the neighbours as well as the implementation of other instruments like cross-border surveillance and hot pursuit. (d) A lot of work has been done in the field of border surveillance to meet EU standards. However, at both the blue and green border more investments are needed to achieve full EU- and Schengen-compliance in infrastructure and equipment as well as in methodology. (e) There is still to be done regarding harmonization of legislation in the field of border security. As already mentioned, this is a fixed element in the Strategy 2014 - 2020 and the process is expected to start soon (in this context also the by-laws and Standard Operation Procedures will need to be adjusted). (f) Training within the BMP is quite intensive, which has a considerable influence on the performance of BMP personnel, yet, in view of the existing ERU-standards in this field (FRONTEX core curricula) a periodical review and a better orientation of the whole Albanian training system should be envisaged. (h) The equipment used for border control has a great importance to bring positive results in the fight against irregular migration and the combating of trans-border crime. However, despite the donations by international partners, a lot remains to be done in this respect and also increasing attention should be given to the question of maintenance. (g) Inter-agency cooperation e.g. between BMP and the Customs Service is in general in place, yet there is the need for further improvement at all levels in order to assure that all authorities involved in border security are adequately aware of their responsibilities and competencies and cooperation wherever possible (especially in assessing the risk and threats and exchanging any information on operative results). (j) Inland activities to possibly detect persons who do not or no longer fulfil the conditions for stay are generally conducted by the BMP. Also here further activities to enhance cooperation and a more intense exchange of information between the BMP and other ASP-structures, but also with other authorities performing checks in the inland should be pursued.

References

- Law No. 108/2013 "On foreigners" is fully approximated with the Regulation (EC) no. 810/2009 of the European Parliament and of the Council of 13 June 2009 "Establishing a Community Code on Visas (Visa Code)" CELEX no.32009R0810, *Official Gazette of the European Union, Series L Nr. 243, dated, 15.9.2009, pages 1–58.*
- Extended migration profile for Albania 3013
- Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 105, 13.4.2006, p. 1) Celex-Nr. 3 2006 R 0562
- Regulation (EC) No 296/2008 of the European Parliament and of the Council of 11 March 2008 (OJ L 97, 9.4.2008, pg. 60: CELEX Nr. 32008R0296)
- Regulation (EC) No 81/2009 of the European Parliament and of the Council of 14 January 2009 (OJ L 35, 4.2.2009, pg. 56: CELEX Nr. 32009R0081)
- Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 (OJ L 243, 15.9.2009, pg. 1; CELEX Nr. 32009R0810)
- Regulation (EC) No 265/2010 of the European Parliament and of the Council of 25 March 2010 (OJ L 85, 31.3.2010, pg. 1; CELEX Nr. 32010R0265)
- Regulation (EC) No 610/2013 of the European Parliament and of the Council of 26 June 2013 (OJ L 182, 29.6.2013, pg. 1; CELEX Nr. 32013R0610)
- Regulation (EC) No 1051/2013 of the European Parliament and of the Council of 22 October 2013 (OJ L 295, 6.11.2013, pg. 1; CELEX Nr. 32013R1051)
- The establishment of the compliance legal, regulatory and institutional frameworks of the EU in the fields of asylum, migration and the visa issue – Model-Project of the National Strategy of Albania on the approximation in the field of "Expulsion, Voluntary Return and Readmission" (Chapter 3- Reacceptance Agreements). IOM Vienna
- EU policy on Readmission of Illegal Immigrants, Institute "Max Planck" for the societies study, Koln.
- "Readmission Agreements of the Community with third countries –objectives, content and the actual state of negotiations", 3 European Magazine of Migration and of the Right, 343-357

Important Indicators Having Effect on Growth of SMEs in Albania

Dr. Bitila Shosha

Lecturer, "Aleksandër Moisiu" University, Business Faculty, Durrës, Albania
Email: bitilashosha@yahoo.com

Prof. Dr. Flutura Kalemi

Head of Finance and Accounting Department, Agricultural University of Tirana,
Faculty of Economy and Agro-Business, Tirana, Albania
Email: flutrakalemi@yahoo.com

Doi:10.5901/ajis.2016.v5n3s1p575

Abstract

One of the main challenges Albanian market is currently facing is the successful survival of Albanian small and medium entrepreneurs against the pressure of global market manufacturers/ suppliers, who can supply Albanian market with quality and competitive prices. Being under this pressure, it is, of course, particularly difficult for new manufacturers, established undertakings/ companies, newly established or old, to survive from the potential risk of failure during the first 3-4 years of their existence. This paper discusses some important issues and problems of financial situation, in general, and of the growth of small and medium enterprises in Albania. In addition, it presents, both theoretically and empirically, the relationship between the key performance indicators of SMEs growth. Some factors like number of years (age); number of employees; annual turnover, are subject to this analysis in order to see how SMEs are performing in Albania. For the analysis of qualitative and quantitative data, the linear regression and logistic regression models are used.

Keywords: SME growth; Number of years (age); Number of employees; Turnover; financial performance of SMEs.

1. Literature Review for Indicators Having Effect on the Growth of SMEs

Different theories have tried to identify the main factors determining the growth of a business. Such theories are divided into two main schools:

1. *The first one*, deals with the impact that size and age of business has on growth, while
2. *The second* deals with the impact of variables such as strategy, organization and characteristics of the business owners/managers.

Indeed, a huge number of researches have been focused on the relation between growth and business size and age.¹ Thus, Evans (1987) analysed the effects of business size and age have on growth using data on US manufacturing businesses. Meanwhile, in a previous study, Gibrat has supposed the hypothesis that growth is independent on size, Evans (1987) concluded that business growth decreases depending on the size and age of business.

The empirical literature suggests that business growth is determined not only by traditional features, such as size and age, but also by other specific features of the business itself. Heshmati (2001), using data from the Swedish micro and small businesses, found out that the level of debt affects positively on the growth of sales. While Becchetti and Trovato (2002), while trying to analyse the Italian manufacturing industry, concluded that, besides traditional determinants such as age and size, business growth is determined by external finance, too.

The research of Reuber and Fischer (1997) reached in some conclusions about the choice of explanatory variables. *Firstly*, to understand better the determinants of SMEs growth in economies in transition, it is essential to

¹Business growth requires capital. Regardless of size or age, access to capital is a matter of great importance. According to Timmons (1994), small businesses tend to obtain new capital from domestic sources, personal resources and informal investments. With the growth, businesses need capital injection and they lean on external sources, such as banks, public debt and equity markets. Myers and Majluf (1984) reach in the same conclusion. They argue that SMEs have a preference for capital sources according to a "rank", where gained profit is ranked first, then debt to banks, private foreign equity and at last, public debt or equity.