

# LAW

No. 79/ 2021

“ON ALIENS”<sup>1</sup>

Pursuant to Articles 78 and 83(1) of the Constitution, at the proposal of the Council of Ministers,

THE ASSEMBLY  
OF  
THE REPUBLIC OF ALBANIA

DECIDED:

CHAPTER I

GENERAL PROVISIONS

Article 1  
Purpose

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<sup>1</sup> This draft law is partially compatible with:

*Directive 2011/98 / EU of the European Parliament and of the Council of 13 December 2011 “On a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and for a common set of rights for third-country workers legally resident in a Member State ”. CELEX number 32011L0098, Official Journal of the European Union, Series L, no.343, dated 23.12.2011, pp.1-9.*

*-Directive (EU) 2016/801 of the European Parliament and of the Council, dated 11 May 2016, “On the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, student exchange schemes or educational projects and au pairing ”. CELEX number 32016L0801, Official Journal of the European Union, Series L, no.132, dated 21.5.2016, p. 21-57.*

*Council Directive 2003/110 / EC of 25 November 2003 on assistance in transit cases for the purpose of air travel. CELEX number 32003L0110, Official Journal of the European Union, Series L, no.321, dated 6.12.2013, p. 26-31.*

*Council Decision 2004/573 / EC of 29 April 2004 "On the organization of joint flights for departures from the territory of two or more Member States of third-country nationals subject to individual removal orders". CELEX number 32004D0573, Official Journal of the European Union, Series L, no.261, dated 6.8.2004, pp.28-35.*

*Directive 2014/36 / EU of the European Parliament and of the Council, dated 26 February 2014 "On the conditions of entry and residence of third-country nationals for the purpose of employment as seasonal workers". CELEX number 32014L0036, Official Journal of the European Union, Series L, no.94, dated 28.3.2014, p. 375-390.*

*Directive 2014/66 / EU of the European Parliament and of the Council of 15 May 2014 "On the conditions of entry and residence of third-country nationals in the context of an intra-corporate transfer". CELEX number 32014L0066, Official Journal of the European Union, Series L, no.157, dated 27.5.2014, p. 1-22.*

*Directive 2009/52 / EC of the European Parliament and of the Council of 18 June 2009 "On the provision of minimum standards for sanctions and measures against employers of third-country nationals staying illegally". CELEX number 32009L0052, Official Journal of the European Union, Series L, no.168, dated 30.6.2009, p. 24-32.*

*Council Directive 2009/50 / EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purpose of highly qualified work ". CELEX number 32009L0050, Official Journal of the European Union, Series L, no.155, dated 18.6.2009, pp.17-29.*

*Directive 2008/115 / EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in the Member States for the return of third-country nationals with irregular residence. CELEX number 32008L0115, Official Journal of the European Union, Series L, no.348, dated 24.12.2008, pp.98-107.*

*Council Directive 2004/82 / EC of 29 April 2004 on the obligation of carriers to communicate passenger data. CELEX number 32004L0082, Official Journal of the European Union, Series L, no.261, dated 6.8.2004, pp.24-27.*

*Council Directive 2004/81 / EC of 29 April 2004 “On residence permits issued to third-country nationals who are victims of trafficking in human beings or who have been subject to an action to facilitate illegal immigration, who cooperate with the competent authorities ”. CELEX number 32004L0081, Official Journal of the European Union, Series L, no.261, dated 6.8.2004, pp.19-23.*

*Council Directive 2003/109 / EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents, as amended. CELEX number 32003L0109, Official Journal of the European Union, Series L, no.16, dated 23.1.2004, pp.44-53.*

*Council Directive 2003/86 / EC of 22 September 2003 on the right to family reunification. CELEX number 32003L0086, Official Journal of the European Union, Series L, no.251, dated 3.10.2003, pages 12-18.*

*Council Directive 2000/78 / EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation. CELEX number 32000L0078, Official Journal of the European Union, Series L, no.303, dated 2.12.2000, pages 16-22*

The purpose of this law is to ensure regulation of the regime of entry, residence, employment in and exit from the Republic of Albania. The law stipulates the tasks and responsibilities of State authorities and other private and public entities, both Albanian and foreign, in accordance with the principle of the best interests of the child, the principle of the right to family life, the principle of non-refoulement, the principle of fair and transparent procedures and the principle of non-discrimination; which engage in activities in the Republic of Albania concerning aliens who wish to enter, reside in and exit the country.

## **Article 2**

### **Scope**

1. This law shall apply to every alien who enters or seeks to enter the Republic of Albania with the intention of residing, transiting, working, studying into as well as in the case of exiting the Republic of Albania.
2. The provisions in this law concerning the employment of aliens shall not apply to the staff of the diplomatic missions and consular offices, to the members of the United Nations agencies and other specialist United Nations entities, members of the international organizations accredited to the Republic of Albania or for the members of their family thereof.

## **Article 3**

### **Definitions**

For the purpose of this law, the following terms shall mean as follows:

1. "Members of the family of an alien" are the spouse, the cohabiting partner the relationship with whom is of stable and proven nature; minors, unmarried children who are part of the family, including also those under guardianship and custodianship, or adopted minors by a court order or a decision that is directly applicable under the international obligations of the Republic of Albania or that must be recognized in accordance with such obligations thereof, and adult unmarried children where they are unable to objectively meet their needs due to health conditions; lineal descendants under his/her custody or the custody of his/her spouse, in accordance with the laws of the country of origin and those who lack adequate family support in the country of origin;
2. "Au pair" means an alien who is admitted to the territory of the Republic of Albania to be temporarily received by a family in order to improve his or her linguistic skills and knowledge of the Republic of Albania in exchange for light housework and taking care of children;
3. "Responsible state authorities" are state bodies, as well as any other structure under them, which exercise functions in the field of legislation for foreigners, according to the competencies recognized by this law or bylaws for its implementation.
4. "Family reunification" means the entry and residence in the Republic of Albania of the members of the family of an Albanian national who are not of Albanian citizenship or of an alien who is legally residing in the Republic of Albania, according to the appropriate rules provided by the legislation in force for aliens, with the purpose of preserving the family unity, irrespective of whether the family relationship arose before or after the alien's entry in the Republic of Albania, in the case of a family reunification of the alien;

5. "Removal" means the execution of the return of any alien who is subject to an expulsion order, who has been declared non-grata and or is forcibly removed by the authorities defined in this law.
6. "Valid travel document of the alien" means the document satisfying all the criteria set out in Article 10 of this law;
7. "Formal higher professional qualification certificate" means the higher education diploma or the professional qualification diploma/certificate which gives access to the respective profession in the country where it was obtained and is recognized and converted in the Republic of Albania, in accordance with the applicable laws;
8. "Joint flight", means the transport of third-country nationals carried out by an air carrier selected for that purpose;
9. "Alien" means any individual with or without citizenship who is not an Albanian national as defined by the Albanian law.
10. "Unaccompanied minor" is a foreign minor who enters the territory of the Republic of Albania which is not accompanied by an adult responsible under the law and as long as he is not effectively taken care of by him, or the minor who is left unaccompanied after entering the territory of the Republic of Albania.
11. "Education establishment" means a public or private secondary education establishment recognised by the Republic of Albania whose courses of study are recognised in accordance with national law or administrative practice on the basis of transparent criteria and which participates in a pupil exchange scheme or educational project for the purposes set out in this law;
12. "Request for asylum" is any statement of a foreigner or stateless person, expressed in any way and at any time before the competent authorities at border crossing points or within the territory of the Republic of Albania, which seeks international protection, in accordance with international conventions and Albanian legislation.
13. "Scientific researcher" means an alien who holds a doctoral degree or an appropriate higher education qualification which gives that alien access to doctoral programmes, who is selected by a research organisation and admitted to the territory of the Republic of Albania a Member State for carrying out a research activity for which such qualification is normally required;
14. "Return" means the process whereby an alien who resides illegally returns voluntary; in compliance with an obligation to return, or by force in:
  - a) His/her country of origin
  - b) a country of transit based on international readmission agreements or other arrangements;
  - c) another country to which the foreign national concerned voluntarily decides to return and in which he/she will be accepted;
15. "Voluntary departure" means compliance with the obligation to return within the time-limit fixed for that purpose in the return country;
16. "Residence permit" means any authorisation issued by competent authorities, allowing an alien to stay in the Republic of Albania more than 90 days within 180 days;
17. "Single permit", means the permit issued by the authorities of the Republic of Albania allowing an alien to legally reside in the territory of the Republic of Albania for work purposes;
18. "Single permit for special categories" means the document that the competent State authority issues to certain special categories eligible to be granted a single permit; "temporary protection" is granted to an alien in accordance with the procedures and requirements set out in the legislation on asylum in the Republic of Albania;

19. "Temporary protection" is granted to a foreigner according to the procedure and criteria provided by the asylum legislation in the Republic of Albania.
20. "Minister" means the minister responsible for public order and safety.
21. "Employment authorisation" means an authorisation issued by the National Employment and Skills Agency for categories which as per the law herein are subject of prior approval by the agency;
22. "Entry ban" means is a restrictive administrative measure against an alien, expressed in an administrative or judicial decision, by which the alien is prohibited from entering and staying in the territory of the Republic of Albania for a certain period of time.;
23. "pupil" is a foreigner admitted to the territory of the Republic of Albania to attend a recognized state or regional education program of secondary level, equivalent to level 2, 3 or 4 of the standard classification of international education, within the framework of a student exchange program or an educational project, implemented by an educational institution in accordance with the law or administrative practice in the Republic of Albania.
24. "Business service provider" mean natural persons representative of a service provider established outside the territory of the Republic of Albania who seek temporary entry in the territory of the Republic of Albania, with the intention of negotiating the trade in services or of concluding agreements on behalf of the service provider. They shall not engage in direct sales to the general public and shall not be remunerated by any resource inside the territory of the Republic of Albania.
25. "Contract service providers" mean any natural person employed by a legal entity established outside the territory of the Republic of Albania, who has concluded a contract of service provision with a consumer in the territory of the Republic of Albania and who requests the presence of his/her employees in a temporary undertaking in the territory of Albania in order to fulfil the service provision contract.
26. "Removal operations" and "joint removals by air", means all the activities which are necessary to return the third-country nationals concerned, including transport on joint flights.
27. "Group passport" means any valid travel document, which contains the names and dates of birth of at least two foreigners who in any case enter, stay and leave the territory of the Republic of Albania jointly.
28. "Key personnel" means aliens who fall under the categories enlisted below:
  - a) "business visitors", who are natural persons who hold managing positions within a legal person and are responsible for launching a commercial activity. They shall not engage in direct transactions with the public at large and neither shall they be remunerated by a source established within the host party;
  - b) "intra-corporate transferee" means natural persons who were employed by a legal entity outside the territory of Republic of Albania or were partners therein for six consecutive months immediately prior to this transfer and who have been temporarily transferred to an entity belonging to the same company/undertaking (including a department or subdivision) established inside the territory of the Republic of Albania in one of the following positions:
    - i. "manager" means a person holding a senior position, who primarily directs the management of the host entity, receiving general supervision or guidance principally from the board of directors or shareholders of the business. That position shall include: directing the host entity or a department or subdivision of the host entity;

- supervising and controlling work of the other supervisory, professional or managerial employees; having the authority to recommend hiring, dismissing or other personnel action;
- ii. “specialist” means a person working within the group of undertakings possessing specialised knowledge essential to the host entity's areas of activity, techniques or management. In assessing such knowledge, account shall be taken not only of knowledge specific to the host entity, but also of whether the person has a high level of qualification including adequate professional experience referring to a type of work or activity requiring specific technical knowledge, including possible membership of an accredited profession;
  - iii. “trainee employee” means a person who was employed by a legal entity outside the territory of the Republic of Albania for a period of at least three consecutive months preceding immediately such transfer, who holds a degree issued by a higher education institution and transferred to its affiliate host entity established in the territory of the Republic of Albania for career development purposes or in order to obtain training in business techniques or methods, and is paid during the transfer;
29. “Person granted subsidiary protection” means the person within the meaning of the definition provided with in the law on asylum in the Republic of Albania.
  30. “Stateless person” means any individual who is not the national of any state.
  31. “Vulnerable persons” means alien minors, unaccompanied minors, disabled people, elderly, pregnant women, single parents with minor children, as well as persons who have been subjected to torture, rape or other forms of severe psychological, physical and sexual violence, migrants who due to their specific situation are unable to enjoy their rights and those who find themselves under particularly sensitive circumstances, like houseworkers, migrants with a certain sexual orientation, migrants with severe health conditions and those with disabilities;
  32. “Single application procedure” means the procedure leading, on the basis of a single application for the authorisation for residence and work in the territory of the Republic of Albania filed by an alien or their employer, to a decision on that application.
  33. “Employer” is any natural or legal entity under the direction of whom an alien is engaged in employment or provision of a service against remuneration.
  34. “Unlawful employment” means the employment of an alien who is irregularly residing in the territory of the Republic of Albania.
  35. “Seasonal worker” means any alien whose place of residency is outside the Republic of Albania, but who legally and temporarily resides in its territory for purposes of engaging in seasonal work activity, on the basis of one or multiple fixed term working contracts concluded between the alien and the employer established in the Republic of Albania.
  36. “High-skilled worker” means an alien who is engaged in employment in the Republic of Albania, in conformity with the specif rules foreseen in the legal framework that governs labour, who is remunerated for their employment which requires specific relevant experience, attested by evidence of high professional qualification.
  37. “Crossborder worker” means an alien who travels from an area in the vicinity of the border between two countries to the Republic of Albania, to perform employment activities, provided that he/she returns to his/her permanent residence every day or at least once a week.
  38. “Independent professionals” means any natural person engaged in performing a service who is registered as self-employed outside the Republic of Albania and has

- concluded a contract for the performance of services with a beneficiary in the Republic of Albania.
39. “Mobile digital workers” means foreign nationals who work in different countries not from an office or the headquarters of an establishment and whose work is mainly mobile with the primary work tool being information technology tools.
  40. “Irregular stay” means the presence in the territory of the Republic of Albania of an alien who does not fulfil or no longer fulfils the requirements for entry stay or residence in the territory of the Republic of Albania.
  41. “refugee” means any person, qualified as such, in accordance with the legislation in force on asylum in the Republic of Albania.
  42. “readmission” is the international obligation of the Republic of Albania to readmit aliens returned by the country with which it is party to an international agreement according to the obligations determined in that agreement.
  43. “Student” means an alien who has been accepted by a higher education institution and is admitted to the territory of the Republic of Albania to pursue as a main activity a full-time course of study leading to a higher education qualification, including diplomas, certificates or doctoral degrees in a higher education institution, which may cover a preparatory course prior to such education, in accordance with national law, or compulsory training;
  44. “researchers and experts” means an aliens who has specialized knowledge which are essential for the service, research equipment, and have a high qualification level for the activity performed by the enterprise or the research institution.
  45. “voluntary service” means a programme of activities of solidarity, based on activities recognised in the Republic of Albania pursuing objectives of general interest.
  46. “Escort”, means the security personnel responsible for accompanying third-country nationals in a joint flight and the persons responsible for the medical care and the translators.
  47. “Third-country national” is any individual who is not a national of the Contracting States (parties) which implements a return decision in respect of a national of the Contracting Party or of a third-country national.
  48. “Requesting Contracting State” means the Contracting State (party) which enforces a removal order in respect of a national of the contracting parties or of a third-country national;
  49. “Requested Contracting State” means the contracting state (party) in which the airport of final destination is located where the delivery will take place.
  50. . “Transit State” is the State via which transit will be effected;
  51. “Organising State”, means a State, which is responsible for the organisation of joint flights;
  52. “Return decision” means an administrative or judicial decision or act of the Albanian authorities, stating or declaring the stay of a foreign national in the territory of the Republic of Albania to be illegal and imposes or states an obligation to return.
  53. “Visa” means an authorisation, issued in the form of a visa sticker by the competent authorities, affixed in a valid travel document, or an electronic visa printed in an electronic format, issued by the respponsable authorities in accordance with the procedures set out in this law, which allows the alien to enter, stay into or transit via the Republic of Albania, in accordance with the applicable legislation.

#### **Article 4**

#### **Authorities responsible for the treatment of aliens**

Within the meaning of this law:

1. The central State authority responsible for aliens and returns in the Republic of Albania is the entity in charge of border and migration.
2. The national authority responsible for returns is the entity in charge of the organization and/or participation in the return flights or joint return flights, which serves as the contact point with the contracting States (parties).
3. The central State authority responsible for aliens seeking protection (asylum) and refugees or persons who have been granted complementary protection, is the authority in charge of asylum and refugees.
4. The State authority responsible at the regional/local level for aliens seeking to enter and stay in the Republic of Albania is the regional body in charge of border and migration issues.
5. The central state authority responsible for the regular monitoring of issued residence permits is the entity responsible for aliens at the ministry in charge of public order and safety.
6. The central State authority responsible for handling visa applications is the entity responsible for consular matters.
7. The responsible authority for processing visa application and visa issue are diplomatic missions, consular offices abroad, honorary consuls' offices in the Republic of Albania and other contracted agents in other countries, as well as the national authority responsible for border and migration issues at the border-crossing points where this law requires.
8. The central State authority responsible for handling employment relationships of aliens in the Republic of Albania is the entity covering migration issues at the ministry in charge of employment matters.
9. The State authority responsible for the alien employment issues is the entity in charge of jobs and skills.
10. The coordinating State authority determining the annual alien employment quota is the ministry in charge of economy.
11. The State authority responsible for assessing threats to the national security is the central entity in charge of the State intelligence service.
12. The State authority responsible for assessing public safety threats is the State Police responsible entity.
13. The State authority responsible for assessing public health risks is the ministry in charge of health.
14. The responsible state authority for recording and changing the personal data and domicile of aliens who have temporary or permanent residence in the Republic of Albania is the civil registry office.
15. The state authorities responsible for the supervision and control of aliens are the entities in charge of border and migration, the public order and safety entities with the State Police and the offices in charge of civil registry.
16. Central State authorities responsible for the development and implementation of the national programme on the social integration of aliens are the ministry in charge of labour, the ministry in charge of social affairs, the ministry in charge of education, sports, youth and research, the ministry in charge of tourism, and the ministry in charge of culture.

## **Article 5**

### **Rights and obligations of aliens**

1. Aliens residing in the Republic of Albania shall enjoy the rights enshrined in its Constitution and the ratified international conventions.

2. In the course of their decision making concerning aliens, the designated authorities shall apply the provisions of this law in accordance with the fundamental rights and freedoms enshrined in the Constitution and the ratified international conventions and agreements.
3. The alien shall abide by the Constitution, laws into force and the decisions of the State authorities during their entry, stay into and exit from the territory of the Republic of Albania.
4. The alien whose movement is restricted within a given area shall move solely within that area.

## **CHAPTER II**

### **ENTERING AND EXITING OF ALIENS IN THE REPUBLIC OF ALBANIA**

#### **SECTION I**

#### **GENERAL PROVISIONS**

##### **Neni 6**

##### **General entry, exit and transit requirements**

1. The alien seeking to enter, stay, exit or transit the Republic of Albania, with the exception of asylum-seeking cases and where bilateral or multilateral agreements specify otherwise, shall appear in person at the border-crossing point and satisfy the following requirements:
  - a) have a travel document recognized by the Republic of Albania that is valid at least for three months beyond the date of expiry of the permitted legal stay in the territory.
  - b) have a valid entry visa, where required, or a valid residence permit issued by the competent Albanian authority or issued by another country and recognized by the Republic of Albania;
  - c) be not a threat to the public order and safety, to the national security and to the international relations the Republic of Albania has with other countries;
  - ç) be not subject to any notice restricting their entry in the electronic register of aliens;
  - d) be not a risk to public health in the Republic of Albania;
  - dh) have not been subject to any administrative actions that constitute grounds to restrict entry, which will be further specified by a Council of Ministers' Decision;
  - e) where required, on a case-by-case basis, the alien may have to submit other additional documents to be further specified by a Council of Ministers' Decision.
2. A same-day entry and exit of the alien into/from the Republic of Albania shall be considered one stay day.
3. Where transiting the Republic of Albania, the alien shall present documentary evidence proving s/he is allowed entry in the country of destination and that s/he will depart the territory of the Republic of Albania.
4. A minor, when unmarried, shall be accompanied by adult individuals. Where s/he is not accompanied by adult individuals, s/he shall cross the border by an authorization of the parent or the legal guardian. Where the minor, who is a child/pupil enrolled in pre-university education, enters as part of an organized group, s/he shall be accompanied at least by an authorized representative of the educational establishment s/he attends, who shall have a collective list of names signed by the head of the pre-university education establishment.
5. The alien who has been registered under the travel document of another individual may enter and exit the Republic of Albania only when accompanied with the person in whose document s/he is registered.
6. The alien with multiple citizenship during the stay and exit from the Republic of Albania shall use the same travel document with which s/he has entered the Republic of Albania.
7. Crew members of the Albanian or foreign vessels who have an identification document

which includes a photograph issued by the port authorities of the country of origin shall have the right to enter and transit via the territory of the Republic of Albania from a port entry point and stay up to 90 days out of 180 days in the territory where the port is located without a need for residence permit. In order to stay more than 90 days out of 180 days, vessel crew members shall be issued residence permit in accordance with the procedures set out in the applicable laws.

8. Crew members of an aircraft crew members who have an identification document which includes a photograph issued by the civil aviation authority of the country of origin shall have the right to entry and exit the territory of the Republic of Albania during flights that are part of their normal work engagement without the need to have a visa in their travel document. Aircraft crew members shall leave the Republic of Albania with the next scheduled flight.

9. Crew members of freight or passenger trains may travel by train and stay at a railway checkpoint if they have an identification document with a photograph designed especially for that purpose by a rail traffic agreement between bordering countries.

10. Residents of border areas, as designated in bilateral agreements that are recognised by the Republic of Albania may enter and stay in the Republic of Albania by using a border-crossing document issued in accordance with the said agreements on small cross-border traffic.

11. The staff of international organizations may in the course of fulfilling their assigned duties and missions enter, stay, transit and exit the Republic of Albania using a laissez-passer issued by them or any other valid document under the international agreements recognized by the Republic of Albania.

12. The list of valid travel documents shall be determined by a Council of Ministers' Decision.

## **Article 7**

### **Irregular entry**

1. An alien shall be deemed to have irregularly entered the Republic of Albania where s/he:
  - a) crosses the State border not in the proper points and time established for border crossing;
  - b) avoids border control;
  - c) enters the territory of the Republic of Albania during a time where a prohibition of entry and stay is in place in the Republic of Albania;
  - ç) enters the territory of the Republic of Albania be use of a document that belongs to someone else or a forged document, or any document that is unauthorized for entry in the territory of the Republic of Albania.
2. The alien shall be deemed to have irregularly entered the Republic of Albania where there is no official note made in accordance with the applicable rules in his travel document or in the electronic border control systems.

## **Article 8**

### **Exit of aliens from the Republic of Albania**

1. Aliens may freely leave the territory of the Republic of Albania.
2. The alien shall be deemed to have departed or to have fulfilled his/her obligation to depart the Republic of Albania where there are official notes made in accordance with the applicable legal procedures in his travel document or in the electronic border control systems.
3. An alien shall be prohibited departure from the Republic of Albania if s/he has engaged in behaviour that falls against the Albanian laws by carrying out the following actions:
  - a) on his/her departure from the Republic of Albania s/he uses the travel document of another person or a forged or invalid travel document;
  - b) s/he has been registered under the travel document of another person at while exiting the Republic of Albania s/he is not accompanied by the said person under whose

document s/he is registered;

c) s/he intends to flee criminal prosecution, detention, arrest or enforcement of a prison sentence.

## **Article 9**

### **Refusal of entry at the border**

1. The authority responsible for border and migration shall, except for the cases where any of the general conditions laid out in Article 6 of this law is not satisfied, refuse entry at the border of an alien, whether s/he is in possession of a visa, if:

- a) the specific requirements on which the visa was issued have changed;
- b) the specific requirements allowing the issue of the residence permit have changed or if the residence permit has been cancelled in accordance with this law;
- c) s/he uses to enter the country the document of another person or a forged document/visa or an unauthorised document for entry in the Republic of Albania.

2. Exempt from the requirements of Article 6(1/c) shall be those aliens who:

- a) are legally staying in the Republic of Albania and are provided with a residence permit;
- b) seek asylum or temporary protection;
- c) are holders of a type D visa;
- ç) hold diplomatic passports.

3. Where refusal of entry at the border is the case, the authority responsible for the border and migration shall provide the alien with the entry refusal decision which states inter alia the grounds for refusal and the possibilities for complaint.

The procedure and decision template concerning the refusal of entry shall be established by an instruction of the minister responsible for public order and safety.

4. The alien shall have the right to appeal against the refusal of entry as per the applicable laws.

## **SECTION II**

### **TRAVEL DOCUMENTS**

#### **Article 10**

##### **Foreign travel documents**

1. A valid document of the alien shall state at least the name of the holder, the date of birth, sex, nationality, validity, issuing authority and place of issue, and a clear photograph that enables an easy recognition of its holder. The document should have been issued within the last 10 years and have at least two empty pages.

2. Unless the travel document does not provide for any specific validity requirement, in accordance with point 1, it shall be deemed non-valid for entry and stay in the Republic of Albania.

#### **Article 11**

##### **Group passport**

1. A valid travel document that contains the names and dates of birth of a group of aliens travelling collectively is known as a group passport.

2. The group passport shall include only citizens of the country in which it was issued or aliens who hold a residence permit in that country.

3. The leader of the group shall hold another personal valid travel document.

4. Any individual who is registered under the group passport shall carry with them another valid identification document issued by their home country, unless the group passport includes photographs of the members of the group.

5. Upon entering and exiting the territory of the Republic of Albania, the group leader shall, where required, submit to the border control authorities the list of all the members traveling on a group passport.

## **Article 12**

### **Issuing an identity card and travel document to aliens**

1. The central authority responsible for border and migration shall issue at the request of the party concerned, where they travel document has been lost, damaged or is impossible to replace, a travel document to the alien who is a resident of the Republic of Albania and intends to travel outside of the country for a two-year validity term, thus allowing them to return to the country, even though they lack a valid travel document issued by their country of origin and the failure to provide a substitute for reasons beyond their control.

2. The central authority responsible for border and migration shall, for purposes of traveling abroad and in line with all the requirements laid down in international conventions recognised by the Republic of Albania, issue a travel document to the stateless alien, who is resident in the Republic of Albania, allowing them to return to the Republic of Albania within the validity period. This document shall have a two-year validity term from the date of issue.

3. Travel documents are issued to aliens irrespective of their age.

4. The identity document for aliens shall be issued to all aliens who reside in the Republic of Albania and have reached sixteen years of age.

5. The travel document for stateless individuals shall be issued in line with the terms set out in the international conventions.

6. The local civil registry of the place of residence of the alien shall provide the alien with the identity card for aliens.

7. The form and content of the travel document, the identity card for aliens and the laissez-passer for aliens shall be approved by a Council of Ministers' Decision.

## **Article 13**

### **Issuing laissez-passer to aliens**

1. A laissez passer valid for thirty days shall be issued to an alien who lacks any other travel document, where:

a) his/her refugee status is revoked and/or s/he is subject to removal/deportation from the territory of the Republic of Albania;

b) his/her country of nationality has no diplomatic mission or consular post in the Republic of Albania and no other State represents his/her interests to travel outside the country;

c) s/he has lost refugee travel document or the travel document for stateless people abroad issued to them by the police to return to the Republic of Albania.

2. Aliens who are due to return to their country of admission, country of residence or of origin shall be provided with a laissez passer by the regional authorities of border and migration in the last place of residence of the alien and by the consular authorities of the Republic of Albania if the alien is abroad.

3. The template of the laissez passer for aliens shall be approved by a Council of Ministers' Decision.

**Article 14**  
**Refusal of the travel document and laissez passer**

The travel document and laissez passer shall not be issued to the alien:

- a) who is pending criminal proceedings.
- b) who has been sentenced to prison and has not fully served the sentence.

**Article 15**  
**Loss of travel documents**

1. An alien shall promptly report the loss or damage of their identification card, travel document, laissez passer or of the residence permit to the local authority responsible for border and migration at their temporary or permanent place of residence. In that case, the alien shall be issued a temporary document.
2. The document issued in accordance with point 1 of this article shall be valid until a new identity card, travel document or residence permit is issued, whereupon it shall be returned to the issuing authority. The template of the document issued according to this provision shall be approved by a Council of Ministers' Decision.
3. The procedures and responsible authorities to declare the missing travel document or residence permit of the alien shall be approved by an instruction of the minister responsible for public order and safety.

**Article 16**  
**Travel document of the persons who have more than one citizenship**

1. An alien holding dual citizenship and who enters the Republic of Albania shall be considered as a national of the country which has issued the travel document used for entry.
2. During his/her stay in the Republic of Albania, the alien referred to in point 1 of this article shall use the travel document used to enter the Republic of Albania.

**Article 17**  
**Invitation to a foreign visitor**

1. Host is the Albanian national or the alien who is resident in the Republic of Albania, or the Albanian or foreign legal person who perform their activities in accordance with the Albanian laws who states in writing that they take over responsibility of an alien staying and leaving the Republic of Albania, in accordance with the applicable legal requirements.
2. A legal or natural person who is an Albanian national or an alien residing in the Republic of Albania may invite an alien to enter the country by means of a visa, if they fulfil the requirements and commit to ensuring the following:
  - a) offer hospitality and accommodation to the alien during their stay in the Republic of Albania, and ensure their return to the country of origin or the country wherefrom they have travelled;
  - b) cover the costs of return to the country of destination, where the alien has been subject of an expulsion order and lacks financial means.
3. The invitation letter is sent to the alien and its obligatory for the host to submit a copy to the regional authority responsible for the border and migration of the place of residence or domicile of the host.
4. The central authority responsible for border and migration, in cooperation with the relevant authorities of the ministry in charge of the foreign affairs, may require for a determined time,

to the extent necessary for the prevention of illicit migration, that even those citizens coming from countries that are exempt of visa requirements have an invitation prior to entering the Republic of Albania. The procedure for such a decision shall be established in a joint instruction of the minister in charge of the public order and safety and the minister in charge of foreign affairs.

5. The form and content of the invitation shall be approved by a joint instruction of the minister in charge of the public order and safety and the minister in charge of foreign affairs.

6. If the host fails to meet the obligations provided in point 2 of this article without any justifiable reason, s/he shall be deemed to have committed an administrative contravention and consequently be fined.

### **Article 18** **Financial guarantee**

1. The alien applying for a visa shall deposit a specific amount of money into a bank account to use as financial guarantee.

2. A financial guarantee is the required amount of money due to be deposited by the alien himself or a guarantor on his/her behalf to ensure coverage of the living costs and of the consequences of a damage that may incur as a result of actions or omissions of the alien contrary to the applicable laws during his time of stay in the Republic of Albania.

3. The financial guarantee on behalf of the alien may be deposited also by his/her host in the Republic of Albania.

4. The limit of the financial guarantee, type of visa and the procedures in relation to the deposit and return of the financial guarantee shall be set out in a joint instruction of the minister in charge of public order and safety, the minister in charge of economy, the minister in charge of foreign affairs taking the average living standards as a reference and following the requirements and procedures laid down in the Albanian laws.

## **CHAPTER III**

### **VISA**

#### **SECTION I: VISA TYPES**

#### **Article 19** **Type “A” visa**

1. A type “A” visa is visa valid for airport transit that gives its holder the right to enter and stay in the international transit areas of the airport until the departure of the flight headed to the destination country. The duration of this visa type shall be in accordance with the time and flights booked by the applicant for the foreseen transit trips.

2. A type “A” visa may be granted with multiple entries and a maximum six-month duration in those cases where the applicant:

- a) submits evidence proving his need to travel in continuous and regular transit;
- b) shows that s/he is reliable or that has properly used the previously granted visa, including the non-transit ones, and that s/he has sufficient economic means to cover the trip to the destination country.

3. The following categories shall be exempt from the obligation of applying for type “A” visa in the countries where they are required:

- a) those categories that are exempted from the obligation to obtain a visa to enter the territory of the Republic of Albania;;
  - b) the holders of diplomatic passports;
  - c) members of aircraft crew who are nationals of a contracting party to the Chicago Convention on International Civil Aviation and Montego Bay Convention on the Law of the Sea;
  - ç) the holders of a valid Albanian visa or residence permit.
4. The countries where this type of visa is applicable shall be specified in a Council of Ministers' Decision.

## **Article 20**

### **Type "C" visa**

1. A type "C" visa is a visa issued in the form of a sticker or in an electronic format which gives its holder the right to enter the Republic of Albania and stay up to 90 day in 180 days from the first date of entry.
2. Type "C" visa may be issued with one, two or multiple entries. Its validity shall not exceed five years.
3. A type "C" visa may be issued with multiple entries and a validity of 6 months, 1 year, 2 years and 5 years if the following requirements are met:
  - a) the applicant proves the need and reason for regular travel because of family obligations, business, civil service, engagement with civil society organizations, training and education purposes or to provide regular contribution to the international organizations operating in the Republic of Albania;
  - b) the applicant proves his/her integrity and credibility by the proper use of previously issued visa and shows that his/her economic situation in the country of origin ensure covering of the trip and return within the stipulated time term (90 days in 180 days).
4. Where this visa is issued to transit through the territory of the Republic of Albania, the time of stay and its validity shall correspond to the time required to complete the transit(s) through the territory, without however exceeding five days.
5. The single-entry type "C" visa may be granted also as a collective visa affixed on a group passport intended for transit or stay up to a maximum of 30 days and for 5 to 50 people intending to participate in art, scientific or sports events or where they enter and exit the territory collectively as tourists. This group visa shall be issued with regional restrictions to vessel crews who are transferred into or from a vessel collectively.

## **Article 21**

### **Type "D" visa**

1. A type "D" visa is issued as a sticker or an electronic visa to the alien citizens who intends to stay in the Republic of Albania for more than 90 days within 180 days and where issuing a residence permit to the alien requires a visa.
2. A type "D" visa is issued with a validity also for one year that shall apply to a 90-day stay, without exceeding 180 days from the first day of entry. It shall have one, two or multiple entries and shall give its holder the right to apply for residence permit upon entry in the Republic of Albania.
3. The terms, procedures and documents required for a visa to be granted, considering the motives of stay as provided for in this law, and the visa sticker and e-visa format shall be defined by a Council of Ministers' Decision.

## **SECTION II VISA ISSUE**

### **Article 22 Visa issuing authorities**

1. The ministry in charge of foreign affairs is the entity responsible for issuing visa to aliens who require visa to enter, stay or transit through the Republic of Albania.
2. Third-country representative offices shall, in accordance with bilateral or multilateral agreements, issue visa to aliens intending to enter, stay or transit through the Republic of Albania.
3. Exceptionally and in the cases provided in this law, the authority responsible for border and migration shall issue a visa at the border for aliens to enter, stay or transit through the Republic of Albania, in accordance with the requirements of Article 23 herein, and may extend the validity term of the issued visa, in line with Article 26 of this law.
4. The ministry in charge of foreign affairs shall cooperate with the ministry in charge of public order safety in the visa issuing procedure.
5. Cooperation modalities between the ministry in charge of foreign affairs, ministry in charge of public order and safety and the State Intelligence Service shall be laid down in a joint instruction of these entities.

### **Article 23 Visa application**

1. The alien shall apply for visa no earlier than 90 days prior to the scheduled date of arrival to the Republic of Albania at the diplomatic and/or consular offices of the Republic of Albania abroad via an electronic visa system or where there are bilateral or multilateral agreements in place with other countries, with their respective representative offices. The application form shall be defined by a Council of Ministers' Decision.
2. The visa application on behalf of minors shall be signed by one or both of the parents or by the person who is in charge of or the legal guardian of the minor.
3. Minors shall be issued a visa that will be affixed on their personal passport. The minor who due to various legal reasons cannot obtain a passport in the country of origin, shall have the visa recorded in the visa of the parent or legal guardian under whose passport the minor has been registered.
4. In order to apply for visa, an alien shall appear in person at the consular office or applies online via the electronic visa system.
5. In the case where there is no Albanian diplomatic/consular office in the country of the applicant or the country of his/her residence, the alien shall apply online or via mail at the diplomatic mission of the Republic of Albania in a selected country out of a list approved by an order of the minister in charge of foreign affairs that is published in accordance with the applicable laws.
6. A visa may be issued where the alien has a travel document that:
  - a) is valid for at least three months beyond the intended date of departure from Albania or, in case of multiple entries, beyond the last anticipated date of departure from Albania;
  - b) has at least two empty pages;
  - c) has been issued within the last ten years.

**Article 24**  
**Visa issue by competent authorities**

1. The alien who seeks to enter the Republic of Albania shall be issued a visa by the diplomatic offices and consular posts of the Republic of Albania abroad or by third-country representative offices, in accordance with bilateral or multilateral agreements, with the visa being affixed on the travel document or printed out in its approved electronic form.
2. The visa sticker and the electronic visa shall be issued only upon completion of the visa application screening by the competent authorities enlisted in Article 22 of this law, in accordance with the specifications provided in a joint instruction of the ministry in charge of foreign affairs, ministry in charge of public order and safety and the head of the State Intelligence Service.
3. The total duration of the visa screening procedure shall be no longer than 15 days from the date of acceptance of the visa application. Exceptionally, this term may be extended up to 30 days, providing the relevant reasons for it.
4. Issue of the visa shall not guarantee entry of the alien in the Republic of Albania.

**Article 25**  
**Visa issue at the border**

1. The national authority responsible for border and migration may exceptionally issue a visa to an alien at the border crossing point in the cases referred to in point 2 of this article, if s/he fulfils the following conditions:
  - a) meets all the general entry requirements in the Republic of Albania, as defined in Article 6 of the law;
  - b) did not have any real opportunity to apply for a visa beforehand, in accordance with the provisions of this law, submitting proof of the immediate and unanticipated reason for his/her trip to the Republic of Albania;
  - c) return to the country of origin or country of transit is guaranteed.
2. Visa issued at the border shall be the same in form and content with the ordinary visa and shall be valid for a stay of up to 15 days, depending on the purpose for which it has been requested and on meeting the requirements specified under point 1, in the following cases:
  - a) in an emergency resulting from natural disaster, flood or accidents;
  - b) in case of death, serious illness of the family members of the alien who resides in the Republic of Albania, proven by the relevant documents;
  - c) in case of calamity, where due to a technical defect, bad weather or the threat of a terrorist attack, a vessel or aircraft crew should enter the territory of the Republic of Albania;
  - ç) for Albanian or foreign vessel crews who ask for permission to embark or re-embark, to return to their country upon termination of the working contract and in the case of a change of crew;
  - d) at the request of the ministry in charge of foreign affairs, in the case of state interests and international obligations.
3. The alien may be refused a visa at the border if it is deemed that for him/her to obtain a visa an application and screening procedure is necessary.
4. In the cases of visa application at the border, the alien shall be exempt from the obligation of having travel health insurance, where such insurance is impossible to be issued at the border, and in the cases where the visa is issued on humanitarian grounds. In those cases, the alien shall accept to undergo medical examination and public health procedures, where required.

5. The alien shall be informed about the visa refusal decision in writing, in a template approved by an instruction of the minister responsible for public order and safety. The alien may appeal against the visa refusal decision in accordance with the applicable laws.

6. The procedure of visa issue at the border shall be endorsed in a joint instruction of the minister in charge of order and public safety, the minister in charge of foreign affairs and the head of the State Intelligence Service.

#### **Article 26** **Extension of the term of stay**

1. The authority responsible for border and migration shall extend the term of stay indicated in the visa issued or the term of stay without a visa, if the alien applies for such extension prior to the expiry of the stay validity solely on grounds of serious personal motives, motives that are of special importance, a force majeure or humanitarian grounds, if the alien has not been able to leave the territory of the Republic of Albania prior to the expiry of the stay validity.

2. The extension of the term of stay shall be done at no cost and for a term that is strictly related to the necessity to respond to the *force majeure* or humanitarian grounds.

3. The procedure for the extension of the term of stay, the term of stay, the grounds of special importance and the document issued to the alien whose stay validity is extended shall be approved by a joint instruction of the minister in charge of public order and safety and the minister in charge of foreign affairs.

4. The decision to extend the validity of stay shall be made within three days from the application. The alien may stay in the Republic of Albania until a decision is made.

#### **Article 27** **Annulment of the sticker and electronic visa**

1. The sticker and electronic visa may be annulled by the embassies or consular posts of the Republic of Albania abroad or by the consular office at the ministry in charge of foreign affairs in the territory of the Republic of Albania on the following grounds:

- a) the sticker and electronic visa are issued contrary to the applicable legal provisions;
- b) the alien has presented false information or forged documents to obtain the sticker and electronic visa;
- c) the sticker and electronic visa have been erroneously issued to the person;
- ç) the alien is declared “*persona non-grata*” following the issue date of the sticker and electronic visa;
- d) the alien fails repeatedly to comply with the rules for crossing the State border set by customs authorities and the authority responsible for border and migration.

2. The alien shall be immediately notified of the annulment of the sticker and electronic visa, through the electronic system or on his/her travel document where the sticker visa is affixed or on the electronic visa by inscribing “ANNULLED”.

3. A visa may be annulled also by the authority responsible for border and migration, in the case where it has been issued according to Article 24 of this law.

4. The sticker and electronic visa shall be annulled where upon his entry and stay, the alien is found to no longer fulfil the requirements on which the sticker and electronic visa were issued or the purpose of for which it was issued has changed or no longer exists. The sticker and electronic visa may also be annulled at the request of the holder of the sticker and electronic visa or of his/her host in the Republic of Albania.

5. The alien shall be notified in writing about the administrative action of annulment of the sticker and electronic visa and its underlying reasons. The alien shall have the right to file an

administrative complaint against the administrative action annulment of the sticker and electronic visa with the ministry in charge of foreign affairs.

## **Article 28**

### **Refusal of the sticker and electronic visa**

1. A sticker and electronic visa may be refused if the applicant:
  - a) presents a forged travel document;
  - b) fails to justify the purpose and meet the entry and stay requirements;
  - c) does not have adequate financial means for the duration of stay in the Republic of Albania and for the return trip to his/her own country;
  - ç) has previously overstayed the permitted time in the Republic of Albania;
  - d) has completed a stay of 90 days within 180 days in the territory of the Republic of Albania, in compliance with the issued sticker and electronic visa;
  - dh) is found to be subject of an entry ban;
  - e) is deemed a treat to public health or safety;
  - ë) fails to prove that his/her statements are authentic or to ensure that s/he will leave the territory of the Republic of Albania within the term indicated in the sticker and electronic visa applied for.
2. The applicant shall be notified of the administrative action to refuse the sticker and electronic visa by use of a template approved by a joint instruction of the minister in charge of foreign affairs, the minister in charge of public order and safety and the head of the State Intelligence Service.
3. The alien who has been refused a sticker and electronic visa, shall have the right to file a complaint with the respective entity at the ministry in charge of foreign affairs.
4. Following the refusal of the sticker and electronic visa, the alien shall be entitled to reapply only upon completion of complaint proceedings, where s/he has exerted such right or, otherwise, three months following the date on which the decision of refusal was made.
5. In case of refusal of the sticker and electronic visa, there shall be no refunding of the applicable fees of service and issue of the sticker and electronic visa.

## **Article 29**

### **Visa-free entry**

1. The list of countries whose nationals are allowed visa-free entry into the Republic of Albania shall be approved by a Council of Ministers' Decision.
2. Aliens who are free of the obligation to obtain a visa, shall have the right to enter and stay in the Republic of Albania for a 90-day term within 180 days upon their entry, save for the cases where it is otherwise provided in bilateral or multilateral agreements in place or based on the reciprocity principle or unilateral position specified in a Council of Ministers' Decision.
3. The alien referred to in point 2 of this article, who prior to the expiry of the 180-day period have used 90 days of stay may re-enter and stay after the 180-day period has lapsed. The procedure of calculating stay times shall be defined in a joint instruction of the minister in charge of foreign affairs, the minister in charge of public order and safety and the head of the State Intelligence Service.
4. The alien referred to in point 2 of this article who has stayed in the territory of the Republic of Albania holding a temporary residence permit shall, upon the expiry of its validity and after leaving the territory of the Republic of Albania, have the right to stay for 90 days within 180 days, counting from the first entry following the expiry of the stay permit validity.

5. Within 10 days upon their entry in the Republic of Albania, aliens shall as a rule register with the local authority responsible for border and migration in their place of domicile.
6. The list of countries that are exempt from the stipulations under point 5 of this article shall be approved by a Council of Ministers' decision.
7. The procedure of registration for aliens with the local authority responsible for border and migration shall be determined by a joint instruction of the minister in charge of public order and safety and the minister in charge of foreign affairs.

**Article 30**  
**Diplomatic and service visa**

1. Members of the diplomatic and consular corps accredited to the Republic of Albania shall apply at the diplomatic missions of the Republic of Albania, according to the approved lists of countries, for type D visa for a period of stay of 90 days within 180 days, except where it is otherwise provided in bilateral agreements.
2. Members of the family of the diplomatic and technical staff, including the spouse, partner, children who under the age of 18, who are unmarried and living with parents, shall have the right to obtain visa and accreditation. In the case where children who satisfy the above requirements are enrolled in school in the Republic of Albania, they shall enjoy the said right until they reach 21 years of age.
3. The State protocol at the ministry in charge of foreign affairs shall issue diplomatic residence permits to the members of the diplomatic and consular corps accredited to the Republic of Albania, which shall be valid for the entire duration of the accreditation.
4. The same regime of visa and residence permit shall apply to representatives of international organizations which have concluded special agreements with the Republic of Albania.

**CHAPTER IV**

**RESIDENCE IN THE REPUBLIC OF ALBANIA**

**SECTION I**

**GENERAL PROVISIONS**

**Article 31**  
**Residence in the Republic of Albania**

1. An alien may stay in the Republic of Albania for a short-term, temporarily and permanently.
2. A short-term stay shall not exceed 90 days within 180 days, based on the issued visa or visa-free entry terms, except where otherwise provided in this law or in agreements recognized by the Republic of Albania.
3. An alien may be allowed temporary or permanent stay only after being granted a residence permit.

**Article 32**  
**Types of residence permit**

1. The authority responsible for border and migration shall issue one of the following residence permits to aliens who wish to stay in the Republic of Albania longer than 90 days within 180 days and satisfy the requirements provided in this law:

- a) type “A” residence permit, which entitles the holder to stay in the Republic of Albania only for the duration of its validity;
  - b) type “B” residence or single permit, which is a renewable permit granted for fixed term and gives its holder the right to stay and leave the Republic of Albania within its established duration;
  - c) type “C” residence of single permit, which issued for an indefinite term and gives its holder the right to enter, stay and leave the Republic of Albania;
  - ç) the single “Blue AL Card” residence permit, which is renewable and exclusively issued for a definite period of time to highly qualified workers and gives its holder the right to enter, stay and leave the Republic of Albania within its duration;
  - d) the “Blu AL-Card” residence permit issued for an indefinite period of time exclusively to highly qualified workers and gives its holder the right to enter, stay and leave the Republic of Albania.
2. The form and content of residence permits shall be approved by a Council of Ministers’ Decision.

### **Article 33**

#### **Issue of residence permits**

1. The alien who has entered and stays in the Republic of Albania with a long-term type D visa or those who enter visa-free within the time limits established in this law or in any international agreement shall apply online at the local authority responsible for border and migration to be issued a residence permit. For those individuals who enter with a visa, the reason for the visa must be the same as the reason of the alien to enter the Republic of Albania.
2. The State authority responsible for aliens shall, upon consulting the State Intelligence Service and the order and safety services, approve the residence permit, which is issued to the alien by the local/regional State authority responsible for aliens.
3. Cooperation on permit issue procedures between the ministry in charge of public order and safety, the State Intelligence Service and the ministry in charge of economy and finance shall be laid down in a joint instruction of these entities.
4. Unless otherwise defined in this law or a Council of Ministers’ Decision, or in any international agreement ratified by the Republic of Albania, a residence permit shall be issued for a period of:
  - a) 3 months, 6 months or 1 year, with the possibility of renewal for at least 5 consecutive times;
  - b) 2 years, with a possibility of one renewal;
  - c) 5 years, in accordance with the provisions of this law;
  - ç) permanent, if the alien has been legally staying in Albania for five consecutive years or has got a permanent activity in the country.
5. Citizens of the United States of America, European Union member states and citizens of the Republic of Kosovo, when applying for the first time and meet the general criteria set out in Article 36 of this law, receive a 5-year residence permit.
6. The alien shall apply for residence permit in accordance with the requirements and documents approved by a Council of ministers’ Decision.

### **Article 34**

#### **Refusal of issue, renewal or annulment of the residence permit**

1. Issue or renewal of the residence permit may be refused or annulled where:
  - a) the alien has failed to submit the application or the required documents within the established deadline and fails to provide credible reasons for having done so;

- b) the alien cannot prove that s/he complies the terms of stay, or s/he is no longer compliant with such terms, based on the relevant requirements;
  - c) the alien poses a threat to the public order and safety, and the national security and is subject of removal from the territory of the Republic of Albania;
  - ç) the alien is divorced, if s/he has obtained the residence permit on grounds of family reunification;
  - d) the reasons for which the residence permit has been issued have ceased to exist, except for the cases provided in point 2 of this article;
  - dh) the permit has been obtained by use of false documents or under conditions of deception;
  - e) has stayed outside the territory of the Republic of Albania longer than 180 days within one year of the residence permit.
2. Under exceptional circumstances, the residence permit may be issued or renewed, even if the purpose of stay has ceased to exist or has changed, on the following grounds:
- a) an ongoing medical treatment that, if interrupted, would threaten one's life,
  - b) failure of renewal or annulment of the residence permit would result into an infringement of the right to family life and the best interest of the child, or;
  - c) on humanitarian grounds.
3. The alien shall be informed in writing about the refusal to issue, renew or the decision to annul the residence permit, using a template approved by an instruction of the minister in charge of public order and safety that shall include, inter alia, the grounds for refusal, the obligations of the alien resulting from the refusal of the issue, renewal or annulment of the residence permit, and the right of appeal, including the timeline and authority with which is lodged the administrative complaint.
4. The procedure for the issue, refusal of issue, renewal or annulment of the residence permit shall be approved by an instruction of the minister in charge of public order and safety.

### **Article 35**

#### **Appealing against the decision to refuse the issuing, renewal or annulment of the residence permit**

1. The alien shall have the right to lodge an administrative appeal against the decision of refusal to issue, renew or to annul the residence permit with the authority that directly supervises the issuing authority, within the time limits stipulated in the Administrative Procedural Code.
2. The review of the administrative appeal shall be completed within 30 days from the day on which the administrative complaint has been lodged. The decision of the supervisory authority shall be challenged in the court assigned to review administrative cases, in accordance with the applicable laws.

## **SECTION II**

### **TEMPORARY RESIDENCE PERMIT**

#### **Article 36**

##### **Residence permit terms of issuance**

1. The alien shall be provided with a temporary residence permit valid for the time period indicated in the application, but no longer than one year for the first application, unless otherwise provided by this law or international agreements ratified by the Republic of Albania.

2. The alien who has been issued a temporary residence permit on justified grounds may stay outside Albania up to 180 days, provided that s/he has informed in advance the police of the reasons for leaving Albania.

3. The alien who has been issued a temporary residence permit valid for at least one year is considered a temporary resident of the Republic of Albania only upon his/her registration in the civil registry office of the local government unit where his temporary residence is found and shall inform the competent authorities anytime s/he changes domicile, in accordance with the legislation into force. The procedure and form of registration of the alien with the civil registry office shall be approved by an instruction of the minister in charge of public order and safety.

4. The parent or legal guardian, or the institution in charge of handling unaccompanied minors has the right to lodge the application for temporary residence permit for the minor.

### **Article 37**

#### **Application for issue and renewal of the temporary residence permit**

1. The alien shall, within 30 days upon entry in the territory of the Republic of Albania and within the time limits of the regular stay in the territory for aliens who enter visa free, apply for temporary residence permit and within 60 days prior to the expiry of the current permit shall apply for its renewal, filling the standard form and the list of documents defined by a Council of Ministers' Decision.

2. The application form contains the personal data of the alien, his/her nationality and other passport details, education qualifications, profession, civil status, purpose, place and financial means, reasons for the planned stay, vehicle registration records if, during the stay in the Republic of Albania s/he uses a vehicle registered outside the country.

3. The authorities responsible for border and migration shall process the application for the issue or renewal of the residence permit. In the case where after receiving the application and documents from the alien, it is found that the alien does not meet the necessary requirements to be issued or renewed the residences permit, the regional border and migration authority where the application was filed shall notify the alien on the observed shortcomings and asks him/her to provide the missing documents within 30 days. Extension of the term to provide missing documents shall postpone the time for the review and approval procedure of the residence permit.

4. After his/her application has been accepted, the alien shall be issued a provisional permit, which substitutes in full the validity of the permit for which the alien has applied and shall be handed back when the alien receives the residence permit. The template of such provisional residence permit shall be approved by a Council of Ministers' Decision.

### **Article 38**

#### **Substitute document for residence permit**

1. If the residence permit is lost, damaged or becomes invalid, in accordance with the stipulations of this law, the alien shall inform immediately in writing the authority responsible for border and migration who has issued the single permit and the residence permit.

2. The State authority responsible for border and migration shall provide the alien with a duplicate of the residence permit, whose template shall be adopted by a Council of Ministers' Decision.

### **Article 39**

#### **Residence permits by purpose**

The residence permit is issued for the following reasons:

- a) On grounds of family reunification
- b) For study purposes (students and pupils)
- c) For unpaid traineeship
- ç) For au pairs
- d) For youth exchange
- dh) For scientific research
- e) To seek employment or entrepreneurship for researchers and students
- ë) On humanitarian grounds
- f) On victims of trafficking in persons
- g) For stateless persons
- gj) Single residence permit for working purpose
  - i. Single permit as employee
  - ii. Single permit for seasonal work
  - iii. Single intra-corporate transferee permit
  - iv. Single permit as frontier worker
  - v. Single permit for vocational training
  - vi. Single permit for athletes
  - vii. Single permit for voluntary service
  - viii. Single permit for highly skilled workers
  - ix. Single permit for self-employed
  - x. Single permit for ICT-enabled mobile workers
  - xi. Single permit for investors
  - xii. Single permit for service contracting
  - xiii. Single permit for special categories
- h) For crew members of vessels
- i) Single permit for use of owned immovable property
- j) Single permit for pensioners

### **SECTION III**

#### **RESIDENCE PERMIT FOR PURPOSES OF FAMILY REUNIFICATION**

##### **Article 40**

##### **Family reunification of an alien with an Albanian national**

1. The alien who is member of the family of an Albanian national shall be granted a residence permit valid for a maximum of one year, when issued for the first time, unless otherwise provided in any agreement or this law. Afterwards, the residence permit shall be renewable for a two-year term. This provision concerning the spouse of an Albanian national applies also to the unmarried minor over whom the alien has legal guardianship.

2. The alien shall not be granted a residence permit or such residence shall be annulled, if there is evidence proving the marriage is one of convenience, in accordance with Article 44 of this law.

##### **Article 41**

##### **Family reunification of the alien with family members**

1. The alien who has obtained a residence permit in the Republic of Albania may lodge a request for family reunification with the local authority responsible for border and migration, if the following conditions are met:

- a) the members of his/her family are outside the Republic of Albania. Exceptionally, on humanitarian grounds, in accordance with the criteria adopted by a Council of Ministers' Decision and the procedures adopted by an instruction of the minister in charge of public order and safety, the request may be filed even when the member(s) of the family are present in the territory of the Republic of Albania;
- b) has been issued a residence permit valid for at least one year in the Republic of Albania and can renew the permit in compliance with the relevant provisions of this law;
- c) secures housing in normal living conditions that comply with the general health and safety standards;
- ç) has social insurance for him/her and his/her family for whom has requested family reunification;
- d) guarantees by sustainable financial income to provide for him/her and his/her family, without resorting to the economic aid scheme;
- dh) provides documents in accordance with the specifications of the Council of Ministers' Decision.

2. The residence permit for family reunification is first issued for duration of one year and it is renewable, unless otherwise provided for in any agreement or this law.

3. If the conditions provided in this law and the requirements adopted by the Council of Ministers' Decision are met, the residence permit for family reunification shall be renewed in accordance with Article 37 of this law.

4. Unmarried children and the successors of the applicant (sponsor), who are objectively unable to meet their need due to health reasons may be granted residence permit on an exceptional basis.

5. Unmarried children may apply for residence permit for purposes of family reunification until 30 years of age, provided that the applicant alien (sponsor) ensures s/he will cover all their living costs.

6. If the residence permit for purposes of family reunification is refused, the alien or his/her family members are entitled to appeal the decision, in accordance with the applicable laws.

7. The alien who has been issued a residence permit for purposes of family reunification, may pursue an economic activity, unless there is a law that prohibits doing so, without prior authorisation by NAES. That is a right indicated in the residence permit for purposes of family reunification.

8. The residence permit for purposes of family reunification shall not be granted to a family member of an alien who has obtained a residence and work permit for purposes of seasonal work.

## **Neni 42**

### **Autonomous residence permit**

1. The spouse and children who have reached adulthood, who have been issued a residence permit for purposes of family reunification, after staying for 5 consecutive years in the territory of the Republic of Albania on such residence permit and provided they have not been issued on grounds other than family reunification, shall have the right to benefit the autonomous residence permit.

2. Në rast të zgjidhjes së marrëdhënies familjare të bashkëshortit/es, ose të partnerit/es së pamartuar, brenda periudhës 5-vjeçare nga përfitimi i lejes së parë të qëndrimit, për efekt të bashkimit familjar, kjo e drejtë humbet. Përjashtimisht, kur zgjidhja e marrëdhënies familjare

me bashkëshortin/ bashkëjetuesin bëhet për shkak të dhunës në familje ose formave të tjera të dhunës me bazë gjinore, viktimave të dhunës me bazë gjinore u jepet, me kërkesë, një leje qëndrimi autonome, pavarësisht nga kohëzgjatja e martesës ose marrëdhënies.

3. In case of death of the applicant alien (sponsor), the spouse or the relatives of first ascending and descending line who stayed in the Republic of Albania for at least three years with a residence permit for purposes of family reunification shall have the right to apply independently for residence permit, provided that they meet the general requirements stipulated in this law and considering the best interest of the child.

4. If the children who reach adulthood have permanent residence permits, the first application for autonomous stay shall be to ask for a permanent residence permit, in compliance with the requirements of Article 87 of this law.

### **Article 43**

#### **Family reunification of refugees**

1. For those members of the refugee's family who are entitled to family reunification, the provisions of the applicable laws on asylum shall apply.

2. The authority responsible for border and migration shall, following a request by the State authority for citizenship and refugees, provide members of the family of the refugee with residence permits.

### **Article 44**

#### **Fictional Marriage**

1. Fictional Marriage according to this law shall be the marriage entered into for the purpose of avoiding the obligation to fulfil the requirements applicable to the entry and residence of aliens in the Republic of Albania.

2. A marriage may be deemed fictive if one of the following circumstances is proved:

a) the spouses, after family reunification, do not maintain their marital union based on no reasons at all;

b) the spouses after family reunification do not perform their marital obligations;

c) the spouses have never met before the conclusion of marriage;

ç) the spouses fail to provide consistent personal data for one-another;

d) the spouses do not speak a language that they both understand;

dh) money was exchanged for the conclusion of marriage, unless the money is dowry, and the spouses come from countries where the presentation of dowry is a custom;

- e) there is proof of previous marriages of convenience on the part of any of the spouses either in the Republic of Albania or abroad.
3. The alien shall not be issued residence permit for family reunification in case of marriage of convenience.

#### **Article 45**

##### **Annulment of the residence permit obtained for purposes of family reunification**

The authority responsible for border and migration shall annul the residence permit issued to the alien for purposes of family reunification, if it finds that:

- a) the marriage of the sponsor and the person concerned was contracted for the sole purpose of enabling issuing of the residence permit;
- b) the sponsor or the person concerned have committed fraud in the presentation of information or have presented false information;
- c) the permit has been issued for:
  - i. family reunification purposes and the marriage has been dissolved within five years from the issuing of the residence permit;
  - ii. within 3 years from the issuing of the residence permit in case of death of a spouse;
  - iii. the rights for parental care have ceased to exist, except for the case where the alien has resided in the Republic of Albania based on a five-year residence permit.
  - iv. when the marriage is dissolved due to domestic violence.
- ç) both parents, or either parent or legal guardian has been cancelled the permanent residence and the minor is not guaranteed stay by the other parent or legal guardian.

#### **SECTION IV.**

##### **RESIDENCE PERMITS FOR EDUCATION, TRAINING AND RESEARCH PURPOSES**

#### **Article 46**

##### **Residence permit for students and pupils**

1. The alien who has entered and resides in the Republic of Albania with the intention to study at a public or private educational establishment recognised by the Albanian State shall have the right to apply for residence permit, in compliance with the general requirements provided in Articles 36 and 37 of this law.
2. The alien who has been admitted to an educational institution or who attends trainings or traineeships shall be issued a residence permit valid for not longer than one year, when issued for the first time and may be renewed for one year each time until finishing school, completing studies or the traineeship. Where the course is shorter than one year, the residence permit shall be valid for the duration of the course.
3. The alien must prove that s/he has been admitted by the educational establishment, has sufficient knowledge of the language of education or training and possesses sufficient funds to cover the living in the Republic of Albania. To renew the residence permit, the alien shall prove, inter alia, the study progress s/he has made, in accordance with the applicable laws.

4. The alien who has been granted a student's residence permit shall, after the first year of studies and in accordance with the residence permit, have the right to be employed after school hours or may be given the right to engage in self-employment, observing the maximum limit of 15 hours a week or its equivalent in days or months per year, without authorisation from the National Agency for Employment and Skills. His/her employer shall notify the competent State authorities of the start and end of the employment.

5. In the course of studies, the student's residence permit may not be substituted with a residence permit for working purposes. Upon completion of his/her studies, the alien may, if all the employment requirements according to this law are met, may apply for a single permit.

#### **Article 47**

#### **Residence permit for unpaid traineeship**

1. The authority responsible for border and migration may grant the alien who has entered the territory of the Republic of Albania and has been trained without being paid in exchange, a residence permit for the unpaid trainee valid for a maximum of one year, according to the law, where the submitted documents are deemed to meet the requirements for the issue of a residence permit and only in that case where the intended activity is found to be closely linked with skills enhancement, qualification of the alien and is of limited duration.

2. Exceptionally, the residence permit may be renewed with the purpose of acquiring a professional qualification recognised by the Republic of Albania in the area of activity of the trainee.

#### **Article 48**

#### **Residence permit for au pairs**

1. The national authority for border and migration shall grant an au pair residence permit to the alien that is valid for the duration of the agreement between the au pair and the host family, always when such period is less than a year or for a maximum of one year.

2. The authority responsible for border and migration may renew the residence permit one more time, for a maximum of six months, after a reasoned request filed by the hosting family, except for the cases of not fulfilling the requirements provided in this law or the host family and the organisation that mediates the au pair has failed to meet its legal duties concerning social insurance, taxes, rights of employment or working conditions.

3. To obtain the residence permit for au pairs, the alien shall:

a) have an agreement between him/her and the hosting family whereby the rights and duties as an au pair are provided, including specifications concerning the monetary values that will hold, the adequate arrangements that will allow the au pair to attend courses and the maximum time of domestic duties;

b) be between 18 and 30 years of age.

c) get evidence that the hosting family or the mediating organisation for au pairs shall, insofar that the national laws allow, accept responsibilities for the foreign national during the entire stay in the territory of the Republic of Albania, especially in relation to the living and accommodation expenses and risks from accidents;

ç) have never had criminal records;

d) have never been in psychological and psychotherapeutic treatment in the past.

4. The alien applying to be admitted as au pair shall give evidence concerning:

a) the fundamental knowledge of the Albanian language or

b) completion of the high secondary education/vocational training or that s/he fulfils the requirements to exercise a regulated profession, as required by the national applicable legislation.

5. Members of the host family shall be of a different nationality from the alien applying to be admitted as au pair and shall have no family links with the said alien.
6. The maximum working time for an au pair shall not exceed 25 hours a week. The au pair shall have at least one day free of its au pair duties.

**Article 49**  
**Youth exchange residence permit**

1. The authority responsible for border and migration shall issue to the alien a residence permit for youth exchange valid for a maximum of one year, solely when the intended activity is closely linked to youth exchange or youth mobility scheme, governed by bilateral or multilateral effective agreements in the Republic of Albania and restricted in time, and where s/he meets the requirements to obtain the youth exchange residence permit”.
2. The residence permit may exceptionally be extended, if foreseen in the agreements entered for this purpose and recognised by the Republic of Albania.

**Article 50**  
**Residence permit for research**

The national border and migration authority shall issue a residence permit for research valid for a maximum of one year to the alien who has concluded an agreement for this purpose with an Albanian institution and satisfies the general requirements to be granted a residence permit, in accordance with Article 36 of this law.

**Article 51**  
**Residence permit for purposes of employment or entrepreneurship, for researchers and students**

1. Upon completion of research or studies, aliens who are researchers and students have the opportunity to stay in the territory of the Republic of Albania by means of a residence permit, in compliance with the requirements of Article 36, of this law; for at least nine months in order to look for a job or start a business.
2. To benefit from this article, students must have a minimum education that shall not be higher than level 7 of the European Qualification Framework.
3. For residence purposes, after an application has been received by the foreign researcher or student, the border and migration authority shall issue a residence permit, compliant with the general requirements provided in Article 36 of this law.  
The border and migration authority may request a confirmation concerning the researchers from the research organisation on the completion of the research activity or may ask from students to submit evidence of a higher education degree, certificates and other proof of official qualifications.
4. The border and migration authority may refuse a request in accordance with this article if:
  - a) the requirements provided in points 2 and 3 are not met;
  - b) the presented documents have been obtained fraudulently or have been forged or manipulated.
5. After at least three months from the issue of the permit in accordance with this article, the border and migration authority may require from aliens to prove that there is a real chance for them to engage in employment or start a business.
6. The border and migration authorities may request that the employment the alien is seeking or the business s/he is in process of starting corresponds with the level of completed research or studies.

7. Where the conditions foreseen in points 3 or 5 are no longer met, the border and migration authority may annul the alien's residence permit, in accordance with Article 34 of this law.

## **Article 52**

### **Residence permit issued on humanitarian grounds**

1. The national authority responsible for border and migration shall issue, on humanitarian grounds, provide the alien with a temporary type "A" permits, even though the requirements of Article 33 of the law or other general terms and conditions specified in this law have not been met, if the alien:

- a) has filed a request with the asylum authorities to be recognised as a refugee;
- b) was subjected to exploiting working conditions in the Republic of Albania and is collaborating in legal proceedings against the employer until its final outcome and the payment of damages decided by the court to the alien;
- c) has collaborated or accepts to collaborate with the judicial bodies, at the proposal of State bodies or those of national security;
- ç) has been recognised as a stateless person by the competent authorities;
- d) is an accompanied minor or has been left without parental protection, guardian or escort for other reasons;
- dh) is an over six-month pregnant woman;
- e) seriously ill people who cannot be treated in the country of return, persons seeking to stay after fleeing from natural disasters/events striking their country.
- ë) in other cases, defined as such in international agreements.

2. The residence permit issued on these grounds shall only be used by the alien to stay in the country and shall not facilitate re-entry in the territory of the Republic of Albania should the alien exit the country. The permit issued on such grounds shall be valid for one year and is renewed only in the following cases:

- a) the alien is not deemed to pose a threat to public safety and national security;
- b) there is clear willingness of the alien to cooperate with judicial bodies in the course of investigation or criminal proceedings;
- c) the alien is pending an assessment of his/her status by the competent authorities.

3. The alien who is provided with temporary residence permit, as per point 1 of this article, shall enjoy the right to stay and move within the territory of the Republic of Albania, that are safeguarded the same as for the aliens who have been issued temporary residence with normal procedures. S/he collaborates with the competent authorities on determining his/her identity, but lack of the evidence proving the identity shall not suffice as grounds to issue the temporary residence permit. The alien shall benefit medical care, financial assistance and support, free legal aid, the right to translation and psychological support, as well as the right to work if entitled to; according to the legal provisions in force.

## **Article 53**

### **Residence permit for victims of trafficking in persons**

1. The local authority responsible for the border and migration provides a temporary residence permit of type "A" to the foreigner who is a victim or potential victim of trafficking even if the conditions set out in Article 33 of this law or other general criteria set out in this law are not met.

2. The residence permit, issued for this reason, serves only for the stay of the foreigner and does not enable re-entry into the territory of the Republic of Albania in case the foreigner leaves the territory. The residence permit for this reason is issued for a period of 1 year and is renewed only in cases when:

- a) it is assessed that his / her position does not pose a threat to public and national security.
  - b) it is assessed that there is a clear will of the person to cooperate with the judiciary during the investigation or criminal proceedings.
  - c) is awaiting a status assessment by the competent authorities.
3. The foreigner, who is granted a temporary residence permit according to points 1 and 2 of this article, enjoys the rights to stay and move within the territory of the Republic of Albania, guaranteed as for foreigners who have a temporary residence permit, according to the regular procedures. He/she cooperates with the bodies responsible for establishing his identity, but the lack of evidence proving his identity is not sufficient as a basis for refusing to issue a temporary residence permit. The foreigner shall receive health care, financial assistance, support, as well as the right to work if he / she is entitled to, according to the legal provisions in force.
4. The local authority responsible for border and migration shall provide the alien with a temporary type “A” residence permit valid for three months, regardless of his/her willingness to collaborate with justice, where there are reasonable grounds to believe that the alien is a victim or potential victim of trafficking, identified as such by the competent entities for the identification and referral of the victims of trafficking. This residence permit shall be issued to the victim or potential victim of trafficking to ensure that s/he recovers and receives treatments suitable to the proper physical and mental state, to enable him/her to make a well-informed decision on whether to collaborate with the justice bodies.
5. During the time of recovery and reflection, the victims or potential victims of trafficking shall enjoy every right and benefit every service of the victims of trafficking, in accordance with the applicable Albanian laws.
6. The residence permit issued for the period of recovery and reflection may be revoked if there is evidence proving that the victim or potential victim of trafficking has obtained or claimed the status unjustly, has actively, by his/her own will and/or at his/her own initiative re-established relations with the individuals suspected of human trafficking, or his/her stay in the territory is deemed to be a threat to national security. When the residence permit issued for the time of recovery and reflection is revoked, it shall be communicated to the victim or potential victim of trafficking in writing, in a language that s/he understands, informing him/her of the grounds for the said revocation, except when the residence permit is suspended on national security grounds.
7. Aliens who have the status of the potential victim of trafficking are entitled to employment without prior authorisation by NAES, whilst the employer shall notify of the establishment of employment relations.
8. Authorities responsible for border and migration shall renew the type “A” residence permit for the alien who is victim of trafficking in the Republic of Albania, identified as one by the competent entities for the identification and referral of the victims of trafficking, in either or both of the following situations:
- a) finds that his/her stay is necessary because of the social and personal situation;
  - b) appreciates that his/her stay is not necessary for purposes of collaboration with the justice bodies in the course of an investigation or legal proceedings.
9. Issue of the residence permit shall not be conditional upon the existence of sufficient funds for the victim to cover expenses incurred during the stay or on the missing identification documents of the victim or potential victim of trafficking.

#### **Article 54**

##### **Determining the status and issuing a document to a stateless person**

1. The request to prove whether the applicant is a stateless person shall be filed with the competent authority at the ministry in charge of public order and safety.
2. The request referred to in point 1 of this article may not be filed by an alien:

- a) who has applied for international protection in the Republic of Albania;
- b) has obtained the refugee status in the Republic of Albania;
- c) has obtained asylum, complementary or subsidiary protection, in accordance with the law on asylum.

3. Procedures for the application, assessment, approval and refusal of the application for the stateless status shall be adopted by an instruction of the ministry in charge of public order and safety.

### **Article 55**

#### **Residence permit for stateless persons**

1. A stateless person may be granted a temporary residence permit, provided that s/he satisfies the requirements in Article 36 of this law, s/he should have stayed in Albania for one year before lodging the application and intends to continue to reside in the Republic of Albania.

3. A stateless person may stay in the Republic of Albania having a travel document for stateless persons or a temporary residence permit.

## **SECTION V**

### **SINGLE PERMITS**

#### **Article 56**

##### **General principles for the employment of aliens in the Republic of Albania**

1. An alien may be employed in the Republic of Albania after being provided with the single permit, unless otherwise provided in this law, in the international agreements recognized by the Republic of Albania or in a unilateral position stated by a Council of Ministers' decision.

2. Preparatory actions taken to start a business or service activity shall not be considered work.

3. Application for a single residence permit may be filed directly by the alien who is legally staying in the Republic of Albania.

4. Where all the requirements provided under the applicable laws are satisfied, the single residence permit shall be issued within 4 to 12 weeks from the date of application. No document shall be provided to attest acceptance of the application at the time of submission.

5. An employer may not recruit an alien who is illegally staying in the Republic of Albania.

6. Where the employer recruits an alien, s/he shall inform accordingly the local authority responsible for border and migration within eight days upon the alien starting work.

7. The terms, procedures and documents required for providing an alien with a single permit by reason, in accordance with this law, shall be defined in a Council of Minister's Decision.

#### **Article 57**

##### **Single permit as employer**

1. An alien shall be granted residence permit as employer if s/he meets the criteria for temporary residence, the specific terms set out by a Council of Ministers' Decision in accordance with this law and upon being authorised by the National Agency for Employment and Skills.

2. The single permit as employer is issued within the time limits set out in Article 33 of this law.

3. The single permit as employee is issued for the duration of the work contract/offer, unless otherwise provided in this law.

#### **Article 58**

##### **Single permit for seasonal employment**

1. The single permit for seasonal workers shall be granted to an alien who satisfies the criteria for temporary residence, the specific requirements set out by a Council of Ministers' Decision in accordance with this law and upon receipt of authorisation by the National Agency for Employment and Skills.
2. The single permit as a seasonal worker shall be issued for a duration of 6 months for each calendar year for regions, employers, occupations and fixed term contracts.
3. If the working contract/offer provides that the activity the alien shall exercise is a regulated profession, s/he shall satisfy the established terms in accordance with the international law concerning the work of regulated professions.
4. In the successive calendar year, the employer may apply for a single permit as seasonal worker on behalf of the same alien, provided that a mandatory 6-month break has been completed.
5. Upon termination of the work contract, the alien shall return to his/her country of origin, save for the cases where s/he meets the applicable legal requirements to obtain a residence permit.
6. This article shall not apply to the nationals of the European Union and Schengen area, and in those cases where a special regime foreseen in an international agreement shall apply.

### **Article 59**

#### **Single permit – for intra-corporate transferee (ICT)**

1. The single (ICT) permit is issued for purposes of the intra-corporate transfer of an alien. An intra-corporate transfer is the temporary means the temporary secondment of an alien:
  - a) to a national entity belonging to the undertaking where the alien is working which is established outside the territory of the Republic of Albania; or
  - b) to a national entity belonging to another undertaking of the same group of undertakings to which belongs the undertaking established outside the territory of the Republic of Albania, which employs the alien.
2. An alien shall obtain a single ICT permit if:
  - a) the alien will work as a manager or specialist in the host entity;
  - b) the alien has been working for the undertaking or the group of undertakings for at least six months prior to the transfer and shall be employed without any disruption by the undertaking or group of undertakings during the transfer;
  - c) intra-corporate transfer shall exceed 90 days;
  - ç) the alien has a valid work contract for the duration of the intra-corporate transfer and, where appropriate, an assignment letter/agreement containing the following:
    - i. specific information concerning the place and type of work, remuneration and other terms and conditions of the employment during the intra-corporate transfer;
    - ii. evidence proving that, at the end of the intra-corporate transfer, the alien will be able to transfer back to an economic entity belonging to the same undertaking or groups of undertakings established outside the Republic of Albania after the end of the intra corporate transfer and
  - d) the alien presents evidence of the proper professional qualifications.
3. The alien shall be provided with an ICT residence permit, if:
  - a) the alien will work as a trainee in the context of an intra-corporate transfer, and
  - b) if the requirements referred to in point 2 letter b, c and ç are fulfilled.
4. The single ICT residence permit shall be issued:
  - a) for the duration of the intra-corporate transfer, but for no longer than three years for managers and specialists,
  - b) for the duration of the transfer, but for no longer than one year for trainee employees.

The maximum term provided for in letter “a” and “b” of this point may not be exceeded through the extension of the ICT residence permit.

5. The single ICT residence permit shall not be granted to aliens who are about to complete a traineeship as part of their studies.

6. The work period for the same workplace shall be estimated as the entire time spent on that workplace by various alien workers on behalf of the employer.

7. Where bilateral or multilateral agreements are not in place, the alien who is provided with a single ICT residence permit shall be subject to the national social protection legislation.

## **Article 60**

### **Declaration of intra-corporate transfer**

1. The alien employer who performs the transfer according to Article 59 of this law shall submit a transfer declaration no later than 7 days prior to the transferee starting work, including:

a) name and subject of the registered entity, first name, last name and address of the foreign employer, including telephone and e-mail contacts;

b) first and last name of the transferee and information on his/her the work;

c) anticipated start and duration of the transfer;

ç) name and headquarters of the entity or first name, last name and address of the beneficiary, place of service provision and a short description of the service;

d) information on the date of issue, validity term, number and competent authority issuing the single permit of the transferee.

dh) in the case of “graduate trainees”, the employer submits a training agreement containing the training programme, duration and the terms and conditions of supervision for the trainee.

2. The foreign employer who effects the transfer according to Article 59 of this law shall report any change in the data referred to in point 1 of this article during the transfer period.

3. The declaration referred to in point 1 of this article shall be submitted either in writing or electronically to the competent state authority for employment and shall be kept in the application file for the transfer of the alien.

## **Article 61**

### **Single permit as a frontier worker**

1. The single permit as a frontier worker shall be issued to an alien who meets the requirements for temporary stay, the specific terms and conditions defined by a Council of Ministers’ Decision in accordance with this law and upon authorisation by the National Agency for Employment and Skills.

2. The alien who is a national of a neighbouring country with the Republic of Albania shall be issued a single cross-border employment permit as an employer, employee or self-employed in a geographic area at the border of the territory of the Republic of Albania, as provided in bilateral agreements in place on cross-border movement, provided that s/he commutes back daily or at least once a week to his/her permanent place of residence, hence keeping the residence and domicile in the country of origin.

3. Where a bilateral or multilateral agreement is not in place, the foreign worker who is issued a single permit as frontier worker shall be subject to the national social protection legislation.

## **Article 62**

### **Single permit for vocational training purposes**

1. The single permit for vocational training purposes shall be issued to an alien who meets the requirements for temporary stay, the specific terms and conditions defined by a Council of

Ministers' Decision in accordance with this law and upon authorisation by the National Agency for Employment and Skills.

2. The alien shall be issued a single permit to complete a vocational training course in the Republic of Albania, which is of limited term and is closely linked with enhancing occupational skills and competences, following prior admission to the course by a vocational training entity licensed by the competent authorities in the country.

3. The single permit for vocational training purposes shall be valid throughout the period of the vocational training activity, provided that s/he shows evidence that such training is relevant to his/her enhancement of skills and competences.

### **Article 63**

#### **Single permit for athletes**

1. The single permit for athletes shall be issued to an alien who meets the requirements for temporary stay, the specific terms and conditions defined by a Council of Ministers' Decision in accordance with this law and upon authorisation by the National Agency for Employment and Skills.

2. The alien who is a athlete by profession shall be issued a single permit if s/he has concluded a contract with an employer/sports organisation (sports association, society or sporting club) that fits his/her occupation, if for his/her recruitment approval from the relevant sports federation has been received.

3. The alien shall have his/her single permit as a sportsperson renewed if s/he has a valid work contract compliant with his/her profession of athlete, but not necessarily with the employer/sports organisation (sports association, society or sporting club) which was issued the previous single permit.

### **Article 64**

#### **Single permit for voluntary services**

1. The authority responsible for border and migration shall issue to an alien a single permit for voluntary services no longer than one year, for the first time only when the intended activity is closely linked to the voluntary service scheme legally recognized in the Republic of Albania that has a fixed duration, and when s/he meets the requirements to obtain the residence permit for voluntary services, if prior authorisation has been received by the National Agency for Employment and Skills in compliance with the specific article governing employment authorisation by the National Agency for Employment and Skills.

2. The residence permit shall have a validity that may not exceed the time limits of the respective voluntary programme for which the residence permit is requested.

3. If the duration of the relevant voluntary program is longer than 1 year, the residence permit is renewed according to the provisions of Article 37 of the law.

### **Article 65**

#### **Single permit for highly skilled workers, the "Blue Card AL"**

1. Authorities responsible for border and migration shall issue a single Blue AL Card permit to an alien highly skilled worker for highly skilled work, only upon prior authorisation of the National Agency for Employment and Skills and where the requirements to obtain a Blue Card AL have been satisfied.

2. The single Blue Card AL permit issued for highly skilled work shall have a two-year validity and is subject to renewal for an additional period of three-year period. If the permit approval for

the highly skilled worker is issued for a term of less than two years, the single Blue Card AL is issued for the term of employment approval plus 3 months.

3. The holder of the single Blue Card AL permit shall notify the authorities of any changes in his/her employment relationship.

### **Article 66**

#### **The alien who is not issued the single Blue Card AL permit**

The single Blue AL Card permit shall not be granted to the aliens who:

- a) stay in the Republic of Albania as applicant for international protection or under temporary protection schemes;
- b) are refugees or have applied for the refugee status and their application has not yet been finally decided;
- c) have applied to the border and migration authorities in the Republic of Albania to be issued or have been issued a residence permit as researcher/scholar, for purposes of conducting a research/study project;
- ç) have the status of the long-term resident and exert their right to stay in the Republic of Albania for purposes of conducting an economic activity as employers or self-employed;
- d) enter the Republic of Albania in accordance with the commitment taken under the international agreements recognized by the Republic of Albania, which facilitate entry and temporary stay for certain commercial categories and natural persons in connection to investments;
- dh) have had their expulsion suspended on legal grounds.

### **Article 67**

#### **Single permit for self-employed**

1. The authority responsible for border and migration shall provide the alien with a self-employed single permit, where s/he is deemed to have present documents that meet the requirements to obtain such permit.

2. The single permit as self-employed is issued where:

- a) there is an economic interest;
- b) the activity to be conducted is expected to positively impact the economy;
- c) the alien possesses capital to deliver on the business idea.

3. Competent institutions, including those located in the planned location of the business, shall evaluate the fulfilment of criteria under point 2 of this article. The setup, composition and operation of the evaluation committee shall be determined in an order of the minister in charge of economy.

4. The validity of the single permit as self-employed shall comply with the duration of the planned business but shall not exceed three years. After three years, the alien may be provided with a permanent residence permit, provided that s/he has been successful in conducting the planned activity and has sufficient income for him/herself and his/her dependants, and if the other conditions for a permanent residence permit are fulfilled.

5. The single permit as self-employed may be issued with a validity conditional upon the exercise of the activity, the region and the occupation, in accordance with the specifications of the permit obtained for the purpose of this activity.

6. After being issued the single permit as self-employed, its holder shall notify competent authorities of every change in the conditions upon such permit was issued and ask for their approval if changes concern:

- a) his/her name and the working and domicile address;
- b) authorised activities as a self-employed individual.

**Article 68**  
**Single residence permit for digital mobile workers**

The authority responsible for border and migration shall issue a one-year “single permit for mobile workers” for the first time to an alien who is legally staying in the Republic of Albania and:

- a) Proves by means of a valid employment contract concluded with the employer or a service contract with the contractor or client based abroad that s/he will work without having any physical headquarter to perform specific tasks that can be performed by using information technology tools;
- b) Proves that s/he has sufficient income to provide for himself/herself and his/her dependants during the stay in the Republic of Albania;
- c) Has proof of accommodation and a home address in the Republic of Albania;
- ç) Has a health insurance policy valid for at least one year;
- d) Has a criminal certificate/ record from his/her country of origin whereby it is indicated whether there are any criminal records or not.

**Article 69**  
**Single permit for investors**

1. The alien shall be granted a two-year single permit as an investor, where s/he:

- a) makes an investment;
- b) ensures an employment ratio of one alien for every five Albanian nationals in the economic undertaking, with the same ratio applying to the board of directors and other management or oversight bodies;
- c) shall set a wage that is at least as much as the average wage paid in the previous year in the Republic of Albania for the same types of jobs;
- ç) the entity shall keep regular records proving that the undertaking is not operating at a loss and valid records of registration with tax authorities and tax payment.

2. Competent authorities, including those at the location of the planned investment shall assess whether the requirements under point 1 of this article have been met. The establishment and operation of the evaluation committee shall be done by an order of the responsible minister.

3. The single investor permit shall be issued upon consideration of all the requirements enlisted under point 1 by the evaluation committee and it is renewable for another three-year term, provided that the grounds on which the previous permit was issued remain unchanged.

4. The alien shall be provided with a permanent residence permit upon the expiry of the second three-year permit, provided that grounds on which the last permit was issued remain unchanged.

5. In those cases where the foreign investor fails to meet the requirements set out in this article on permanent residence permits and unless the working terms on which the last work permit was issued remain unchanged, the alien shall be issued a two-year single permit that is subject to a three-year term renewal.

6. The amount of the investment shall be established by a joint instruction of the minister in charge of public order and safety and the minister in charge of finance and economy.

**Article 70**  
**Single permit for contracting service providers**

1. An alien shall be granted a single permit for contracting services, where s/he performs or provides a service based on a contract that has been concluded with the service beneficiary in the republic of Albania.

2. The alien who has failed to register for purposes of a business activity and is continually residing outside the territory of the Republic of Albania may be entitled to a single permit for the provision of contracted services only in those cases where the service provider proves that s/he possesses special knowledge that is impossible to find in the national workforce.
3. An alien shall be issued a single service contract permit if s/he:
  - a) is engaged in providing a temporary service in the Republic of Albania. Whilst being away, there should be an ongoing employment relationship between the legal entity established outside the Republic of Albania, who has concluded a service agreement with the registered entity in the Republic of Albania;
  - b) has at least two years of work experience in the specific field that is within the scope of the service contract;
  - c) has relevant professional qualifications concerning the service provided, in accordance with the applicable laws.
  - ç) receives no remuneration in exchange for other services except for that paid by the customer with whom his/her employer has concluded a service provision contract;
4. The “freelance professionals”, who are allowed entry for purposes of service provision, shall meet the following requirements:
  - a) are engaged in providing a temporary service in the Republic of Albania, whilst they are registered as self-employed outside the territory of the Republic of Albania. Additionally, they must have a service contract for a term that shall not exceed 12 months of validity;
  - b) have at least three years of professional experience in the area of activity that falls within the scope of the contract;
  - c) possess professional qualifications, where required, to exercise an activity pursuant to the law, regulations or the requests of the party receiving the service.
5. Temporary entry and stay of freelance professionals at the service of the party concerned shall be valid for an overall period no longer than 12 months or throughout the duration of the contract, whatever that may be, but provided that the stay does not exceed 12 months term.
6. The procedure to issue the single permit shall be carried out by the central authority responsible for border and migration, after the authorisation of the National Agency for Employment and Skills.
7. The single permit may be issued more than once in a calendar year, but its overall validity shall not exceed 90 days. The alien who offers services in fields like science, culture, sports, health and education may be issued a single permit valid up to one year, if there are no conditions in place to establish employment relationships.
8. Where a contract is concluded on the work done by the alien for a time limit longer than one year, the permit may be renewed on an annual basis, until the end of the contract.
9. Entry and employment for contracting services may solely be connected to the qualified activity of the employee, which refers to implementing works or providing special services that need a specific experience.

## **Article 71**

### **Invalidation of the single permit**

The single permit shall become invalid where:

- a) its validity term is not possible to renew on any grounds;
- b) it is not possible to extend the validity term of the alien’s passport or identification document;
- c) the alien stays outside of the territory of the Republic of Albania for six consecutive months, save for the cases where such absence has been caused by force majeure;
- ç) the alien does not start activity within three months from the issue of the single permit, save for the cases where such inaction is caused by force majeure;
- d) the alien hands over the single residence permit prior to expiry.

**Article 72**  
**Single permit refusal and annulment**

1. The State authority responsible for border and migration is entitled to annul the single permit prior to its expiry, in the following cases:

- a) it has been obtained by means of fraud or misrepresentation.
- b) after the issue of the single permit, proof is found that the attached documents to the application are not accurate;
- c) the alien acts or engages in propaganda against the sovereignty of the Republic of Albania, its national security, constitutional order and public order;
- ç) the single permit has been annulled;
- d) the alien is not present in the Republic of Albania for a consecutive time exceeding 180 days within one year of stay, except when the employer sends him/her to another country or when s/he is not present for education and professional training purposes, or due to an illness, or provision of childcare or because of the compulsory military service;
- dh) the alien performs work that is different from the one for which the single permit has been issued, except for aliens who have a permanent residence permit;
- e) when the alien terminates the work contract on various reasons and leaves the job for purposes of which s/he was granted the permit.

Where this is the case, the employer shall inform within two weeks the responsible authority that issued the single permit to the alien.

2. Unemployment shall not constitute sufficient grounds for annulling the single permit, unless the alien stays unemployed for longer than:

- a) three months within a 12-month period, if the holder of the single permit, in case of the holder of a single permit for employees, who has been engaged in lawful activity as an employee or self-employed in the Republic of Albania for less than three years;
- b) six months within a 12-month period, in the case of the holder of the single permit for employees, who has been engaged in lawful activities as employee or self-employed in the Republic of Albania for over three years.

3. Financial difficulties shall not constitute sufficient grounds for annulling the single permit for self-employed, except where the holder is not able to afford the living cost.

4. Procedures for the issue, refusal to issue, renewal or annulment of the residence permit shall be adopted by an instruction of the minister in charge of public safety.

**Article 73**  
**Appealing the order for the refusal of the issue, renewal or annulment of the single permit**

1. The alien shall have the right to lodge an administrative complaint against the order for the refusal of issue, renewal or for the annulment of the single permit with the direct supervisory authority of the authority issuing the order, within the timelines set out in the Administrative Procedural Code.

2. Procedures for the review of the administrative complaint shall be completed within 30 days from the day in which the administrative complaint was filed. The decision of the supervisory authority shall be challenged in the competent court for administrative matters, in accordance with the applicable laws.

## SECTION VI

### EMPLOYMENT OF ALIENS

#### INVOLVEMENT OF THE NATIONAL AGENCY FOR EMPLOYMENT AND SKILLS

##### Article 74

##### Authorisation of employment for aliens

1. The single permit issued to an alien who is an employee within the established quota shall take into account the labour market developments and demands in the Republic of Albania.
2. Application for a single permit and a single permit for special cases shall be filed with the regional office responsible for border and migration in the area where the activity takes place.
3. Border and migration authorities shall issue the single permit following the consent from the National Agency for Employment and Skills, unless otherwise provided by this law, intergovernmental agreements or by means of a Council of Ministers' decisions.
4. The request for authorisation of employment may be filed personally by the alien residing legally in the Republic of Albania, or the employer.
5. The categories exempt from the obligation to receive the authorisation of the National Agency for Employment and Skills according to this article include: the alien who is member of the family of an alien who is legally residing in the Republic of Albania, students, the alien who in accordance with the specific articles of this law is exempted from the obligation for approval for employment, self-employed, investors, au pairs, aliens with the status of potential victim of trafficking, refugees, aliens with temporary protection and aliens with the status of supplementary protection..
6. Categories obtaining authorisation from the National Agency for Employment and Skills, unless otherwise provided by intergovernmental agreements or other legal acts, include employees, seasonal workers, inter-corporate transferees, highly qualified workers, volunteers, athletes and contracted service providers.
7. The Agency for Employment and Skills shall provide its consent in the following cases:
  - a) the application is within the approved annual quotas, in accordance with this law;
  - b) foreign workers have not been recruited to work under less favourable working conditions than the Albanian workers in the same position. From the review of information concerning wages, working hours and the other working conditions, it results that they comply with the Albanian labour laws;
  - c) the requirements of special articles related to employment are met ;
  - ç) no worker falling within the categories specified in point 9 is available to fill that vacancy.
8. Any alien who falls within the category of inter-corporate transferee, for highly qualified employees, contract service employees, volunteers and athletes, shall be issued authorisation only on grounds of meeting the requirements provided for in the point 7 letter "b" and "c" of this article.
9. The National Agency for Employment and Skills, prior to approving the application of an alien to fill in a vacancy, shall suggest within the time limits set out in the vacancy call candidates who fit the requested profile who are ready to fill in the vacancy in question, as follows:
  - a) Albanian unemployed jobseekers;
  - b) aliens who are family members of Albanian citizens;
  - c) nationals of the United States of America and the European Union and nationals of the Schengen Area and their family members, who are not nationals of these countries who legally reside in the Republic of Albania;
  - ç) nationals of one of the following Western Balkans countries, Bosnia Herzegovina, Montenegro, Kosovo, Serbia, and North Macedonia;

- d) family members of the alien who is legally staying in the Republic of Albania;
  - dh) nationals of third countries with which the Republic of Albania has concluded bilateral or multilateral employment agreements;
  - e) aliens who enjoy precedence in the Albanian labour market, in accordance with this law;
10. The application to fill in a vacancy shall be made public by the National Agency for Employment and Skills for 7 (seven) calendar days from the day where an alien national has filed an application for approval of employment with this authority.
11. To receive authorisation, the employer shall send the National Agency for Employment and Skills information on the wage, working hours and any other employment terms and conditions. Employers who wish to employ or have already employed an alien shall send this information within two weeks from the request made by the National Agency for Employment and Skills.
12. The National Agency for Employment and Skills shall issue an employment authorisation within two weeks (10 business days) from the receipt of the relevant application, when all the other criteria are met or in the time that follows their satisfaction.
13. Prior to filing for work authorisation for an alien, the employer may inquire the labour market conditions underlying granting of the said authorisation. S/he may send all the information enlisted in point 10 and 11 of this article to the National Agency for Employment and Skills. An employer may use this opportunity if he needs to be clear beforehand whether s/he is allowed to hire an alien and accelerate the employment authorisation process.
14. The employment authorisation may be limited in time, type of employment, employment, specific region and distribution of working hours. These restrictions shall be indicated in the single or residence permit.
15. Institutional cooperation concerning the implementation of this article shall be governed by a joint instruction of the minister in charge of public order and safety and the minister responsible for the economy.

## **Article 75**

### **Refusal of employment authorisation for aliens by the National Agency for Employment and Skills**

The National Agency for Employment and Skills shall refuse to authorise employment of an alien, where:

- a) the employer has laid off the employee for an undetermined period six months prior to filing an application for single permit for an alien;
- b) the relations and terms expressed in the contract fail to meet the requirements of the Albanian laws and international conventions governing labour and employment conditions;
- c) information presented in the requested documents is incomplete or misrepresenting facts or data;
- ç) the foreign employee fails to apply within the time limits set out in this law without providing any credible explanation for such commission;
- d) the employer has refused to hire an unemployed jobseeker offered by the respective employment office who met the conditions set by competent State authorities, in accordance with the provisions of this law;
- dh) the employer files for employment authorisation on behalf of an alien within 12 months from the date of punishment for an infringement provided for in this law and violation of the effective labour laws;
- e) wages paid to workers were below the standard provided for in collective bargains;
- ë) the employer or foreign employee have not paid outstanding taxes and social insurance contributions;
- f) employment has resulted from an irregular placement or recruitment;

- g) the employer or the host entity are subject to insolvency proceedings;
- gj) the employer or the host entity does not conduct any economic activity;
- h) the company and the host entity have been established with the sole intention of facilitating the entry and stay of aliens for working purposes; the same shall apply to the working relationship established mainly for the same purpose;
- i) there is credible information that the alien poses a risk for the public order, safety and health in the Republic of Albania, save for the cases where the health situation of the alien does not impact the work he has been hired to do.

## **Article 76**

### **Revocation of the employment authorisation by the National Agency for Employment and Skills**

The employment authorisation issued to an alien may be revoked if the alien has been employed in less favourable conditions than an Albanian national, and where s/he no longer satisfies the requirements of Article 74 and 75 of this law.

## **Article 77**

### **Priority in the issuing of single permit**

The single and residence permit shall be issued without considering the state and development of the labour market and without any other restrictions, as per the requirements of this law, if the alien:

- a) is the spouse of an Albanian national and holds a residence permit;
- b) is employed in compliance with international or intergovernmental agreements, unless otherwise provided for by these agreements;
- c) has completed a vocational secondary school or a programme of studies at a recognized higher education establishment in the Republic of Albania;
- ç) has arrived in the Republic of Albania to pursue professional qualification;
- d) hold the intra-corporate transferee status;
- dh) is considered as a “highly qualified” worker;
- e) is a digital mobile worker.

## **Article 78**

### **Labour market and annual employment quota for aliens**

1. The Government of the Republic of Albania shall by October 1<sup>st</sup> of each year set out annual employment quota for aliens for the coming year.
2. Annual employment quota for aliens shall be adopted by a Council of Ministers’ decision, upon the proposal of the minister in charge of labour migration issues and the minister in charge of the relevant field.
3. Where demands for alien workers in a certain industry exceed the annual established quota, the minister in charge of labour migration issues shall propose to the Council of Ministers the adoption of new quota in that industry.
4. The annual employment quota for aliens shall be established considering the Albanian market needs assessment survey, economic growth projections in certain industries and workforce demand therein.

5. The annual alien employment quota defines the activities and occupations where work is allowed and the number of employment authorisations per activity and occupation.
6. The annual employment quota for aliens may also determine the seasonal work quota, where appropriate.
7. Institutional and inter-institutional cooperation procedures to adopt annual employment quota shall be defined in an instruction of the minister in charge of labour migration issues

### **Article 79**

#### **Exemption from annual employment quota**

1. A single permit for special cases may be issued in addition to the annual quota for aliens, in the case where aliens are:
  - a) immigrant day workers, subject to bilateral agreements;
  - b) staff holding key positions in undertakings, and their affiliate branches and representative offices;
  - c) intra-corporate transferees within undertakings or companies, as part of the internal transfer of their staff, in accordance with agreements or cooperation stemming from cooperation programmes;
  - ç) self-employed in an undertaking they run on their own or where they have more than 51 per cent of the shares;
  - d) contracted services providers in the Republic of Albania on behalf of a foreign employer;
  - dh) teachers and lecturers in education establishments, who teach language curricula for ethnic minorities;
  - e) athletes working in the Republic of Albania;
  - ë) foreign artists who work in the Republic of Albania;
  - f) contract workers whose work is remunerated by a foreign organisation, registered as a non-profit organisation in the Republic of Albania;
  - g) members of the board of directors of a religious or humanitarian foundation recognised and registered in the Republic of Albania, who work on a contract and are rewarded for their work;
  - gj) workers in the framework of youth exchange activities in the Republic of Albania in cooperation with other countries;
  - h) research workers in research and education establishment or legal entities focus on scientific research and teaching specialties that are missing in the Republic of Albania;
  - i) academic staff in higher education institutions, academic staff that is invited as a guest by higher education establishments or teachers of languages at Albanian pre-university education institutions in Albania;
  - j) aliens working under an international agreement.
2. Categories listed under letter “b” and “c” of this Article shall require authorisation of NAES only with regard to working conditions.

### **Article 80**

#### **Exemption from the obligation to file for employment authorisation with the National Agency for Employment and Skills**

The following aliens shall not require employment authorisation by the National Agency for Employment and Skills:

- a) nationals of the United States of America, their family members, nationals of the European Union Member States and of the Schengen area and the members of their family who are not nationals of these countries and are legal residents of the Republic of Albania, nationals of one of

the Western Balkans countries, namely, Bosnia Herzegovina, Montenegro, Kosovo, Serbia and North Macedonia legally staying in the territory of the Republic of Albania, who enjoy the same right to employment as the Albanian nationals, except for where employment especially requires Albanian citizenship, in accordance with the Albanian laws. Alien employment is declared in the respective employment office by the employer or by the self-employed or investing alien in the employment office of the place of activity;

b) aliens staying up to one month within a year as:

- i. individuals negotiating an agreement or tending to a fair pavilion;
- ii. business visitors;
- iii. members of aircraft crews;
- iv. staff of the higher education establishments, foreign science researchers or specialists arriving to Albania in the framework of bilateral agreements between governments of the very educational establishments;
- v. trainers arriving as part of the cooperation between governmental institutions or educational establishments;
- vi. personnel of the humanitarian organisations operating under international cooperation programmes.

c) for stays up to two months within one year vessel crew members;

ç) who work in various industries, in order to mend consequences and recover from natural disasters. Their employment will be declared to the respective employment office by the employer or by the alien who is self-employed or an investor in the employment office of the area where the activity takes place.

## **Article 81**

### **Issue of single permit to special categories**

1. A single permit for special cases with a duration of stay of 60 days within a year shall be issued to the following aliens:

- a) audit and consultancy service providers;
- b) higher education staff participating in joint seminars;
- c) artists and technical staff participating in cultural events, like opera, ballet, theatre, musical concerts, authors or actors in movies or television shows;
- ç) aliens who work in a circus or engage in other public entertainment activities;
- d) aliens who work in fairs or exhibitions;
- dh) persons who install machinery or constructions delivered by a foreign undertaking and take care of the machinery servicing and repair, and train Albanian or foreign worker on their use.

2. A single permit for special categories, for a term of stay of 90 days within a year shall be issued to the aliens entering the Republic of Albania in the capacity of:

- a) personnel of cross-border cargo and passenger transportation to the Republic of Albania, whose headquarters are registered abroad;
- b) business service providers who do not engage in direct sales to the public at large and are not remunerated by any source inside the territory of the Republic of Albania;
- c) research workers, representative of scientific institutions and scientists who participate in projects that are important to the Republic of Albania, under governmental agreements or interinstitutional cooperation programmes;
- ç) personnel of higher education establishments, lecturers, researchers, foreign specialists, administrative staff coming to the Republic of Albania as part of a cooperation educational programme or who are members of the staff of a central education institution, if the latter has an affiliated branch in the Republic of Albania;
- d) members of aircraft or vessel crews;

- dh) personnel performing unpaid humanitarian services for not-for-profit organizations or institutions, under special regulations or international cooperation programs;
- e) trainers coming to the Republic of Albania from foreign undertaking or their branches in other countries for vocational training purposes under cross-institutional cooperation programmes;
- ë) experts in the field of preservation of cultural heritage, libraries or archives;
- f) pupils or students who enter in the framework of the cooperation relations, training, or exchange of experience.

3. A single permit for special categories for a term of stay that exceeds 90 days in accordance with the work contract terms shall be issued to the aliens who:

- a) are involved in technical assistance missions at the central institutions, independent institutions or institutions directly depending on the former;
- b) consultants or advisors with central State entities, independent institutions or other institutions under the former direct dependency, as part of governmental agreements or projects conducted by international organisations;
- c) representatives and staff of non-profit organisations recognised and registered with the competent authorities of the Republic of Albania, whose work is not remunerated;
- ç) civil and military officials coming to work in the Republic of Albania, in the framework of an agreement with the government of the country where they come from;
- d) representatives of the mass media, reporters or foreign correspondents accredited to the Republic of Albania who work for a foreign employer;
- dh) staff of the higher education establishments, foreign researchers or experts who come to the Republic of Albania under bilateral/multilateral, governmental/interinstitutional agreements or agreements between the educational establishments.
- e) representatives and staff of religious communities, recognised and registered with the competent authorities of the Republic of Albania, who are engaged in activities exclusively linked with the religious or charitable service and whose work is not remunerated.
- ë) categories enlisted under point 1/dh and point 2/a, d, f.

4. The conditions, documents and procedures for the provision of special categories with the single permit shall be defined by a Council of Ministers' Decision.

5. The template and content of the single permit issued to special categories shall be adopted by an order of the minister in charge of public order and safety.

## **Article 82**

### **The obligation to keep unchanged the reason of employment**

1. The alien in the Republic of Albania shall keep unchanged the reason for which the single permit was issued, in line with the employment reason.

2. The alien who has been granted a single permit shall notify the competent authorities of any change in the conditions on which the single permit was issued and shall ask for their approval, in the case where such change involves:

- a) name and address of employers;
- b) the valid employment contract that extends throughout the duration of the issued single permit;
- c) activities for which the person employed has been authorised.

## **SECTION VII**

### **RESIDENCE PERMIT ON OTHER GROUNDS**

## **Article 83**

### **Resident permit for members of vessel crews**

Members of vessel crews who have been employed in a vessel registered in the Republic of Albania, who is employed for more than 90 days within 180 days and the members of the crew who are engaged as employees in a foreign vessel, but due to the specific nature of the activity, stays for more than 90 days within 180 days at the Albanian ports shall be granted a single permit.

#### **Article 84**

##### **Temporary residence permit to owners of immovable property**

1. A temporary permit for the use and disposition of the immovable property in the Republic of Albania may be issued to an alien in accordance with this law, provided that s/he proves to be the owner of such immovable property, in compliance with the applicable laws, with ownership lasting throughout the duration of the residence permit.
2. The authority responsible for border and migration provides the foreigner with a “residence permit for the use of owned immovable property” for a period of up to 1 year for the first time and renewable every year if the foreigner continues to meet the criteria set by law.
3. The permit referred to under point may be granted to a foreign national who is co-owner of ½ of the immovable property.
4. The relevant procedures and criteria shall be defined by a Council of Ministers’ Decision.

#### **Article 85**

##### **Residence permit for pensioners**

1. Foreign nationals who have retired in their country may apply for residence permit for pensioners at the authority responsible for border and migration in the Republic of Albania.
2. The authority responsible for border and migration shall provide the alien for the first time with a “residence permit for pensioners” with a one-year validity, if the foreign national is legally residing in the Republic of Albania and:
  - a) shows proof that s/he is entitled to an annual pension income of minimum ALL 1 200 000, by presenting documents issued by the country of origin, authenticated by a notary public;
  - b) shows proof that s/he possesses sufficient income to provide for himself/herself and his/her dependants during the stay in the Republic of Albania;
  - c) shows documentary proof issued by a bank in the Republic of Albania of a valid bank account used for regular pension depositing;
  - ç) owns proof of accommodation and address in the Republic of Albania;
  - d) has a valid one-year health insurance policy;
  - dh) has been issued a criminal record certificate from his/her country of origin whereby it is indicated whether the alien has any criminal record or not.
3. the retired alien may have their residence permit renewed every year if the requirements under point 2 of this article are still met.
4. the holder of a residence permit issued based on the pension obtained abroad may request family reunification in the Republic of Albania with the spouse or partner who has not retired.
5. The residence permit for pensioners shall not give the right to the alien to undertake any economic or professional activity in the Republic of Albania.

#### **Article 86**

##### **Monitoring of residence permits**

1. supervision, control and periodical monitoring of the procedures concerning the issue of residence permits will be done from the the authorities responsible for aliens at the ministry in charge of public order and safety shall
2. The monitoring procedures shall be defined by an order of the minister in charge of the public order and safety.

## **SECTION VIII**

### **PERMANENT RESIDENCE PERMIT**

#### **Article 87**

#### **Issue of the permanent residence permit**

1. An alien shall apply for a permanent type C residence permit at the regional authority responsible for border and migration at his/her place of residence, 60 days prior to the expiry of the validity of the residence permit. The application and related documents submitted by the alien and the permanent residence permit shall be processed within 60 days, where the following requirements are satisfied:
  - a) the alien has stayed legally and consecutively as a resident in the Republic of Albania for five years from the first application for residence permit, save where otherwise provided by this law, in international agreements recognised by the Republic of Albania or a Council of Ministers' Decision. An absence of up to six months in the territory, as long as it does exceed a total of 10 months within five years of stay on a residence permit shall not be deemed as a hindrance for the issue of the permanent residence permit. For specific justified or exceptional reasons and where the alien is sent outside the territory for employment purposes, as part of the cross-border services, a longer absence period than the one mentioned in this point shall be considered, provided that the authority responsible for border and migration has been informed in advance of the existence of the said circumstances by the holder of the residence permit, his/her employer of the requesting alien;
  - b) shows proof of possessing lawful financial sources that are sufficient to guarantee sustainability and continuity of his/her living and of the members of his/her family members without needing to file for social assistance;
  - c) shows proof of health insurance coverage, in line with the health insurance system for the Albanian nationals in the Republic of Albania;
  - ç) has ensured adequate housing for him/herself and his/her family members in the Republic of Albania;
  - d) shows proof of having paid regularly all taxes e dues in the Republic of Albania during his/her stay;
  - dh) enjoys the legal refugee status in the Republic of Albania, obtained in accordance with the applicable legislation on asylum.
2. Where the alien has stayed in the Republic of Albania to attend studies or vocational training, this time shall be calculated as half of the total duration for purposes of obtaining a long-term residence permit.
3. If during the processing of the application and documents submitted by the alien it results that requirements under point 1 of this article are not met, the authority responsible for border ad migration where the application has been filed shall notify the alien of the missing documents and ask him/her to complete documents within one month.
4. The permanent residence permit for highly skilled workers shall be issued separately from the usual long-term residence permit and it will bear the inscription "Blu AL-C Card".
5. The local authority responsible for border and migration shall check at least once every two years the terms of residence of the alien provided with a permanent residence permit.

6. The permanent residence permit shall be replaced every 7 years through an automatic approval procedure.
7. Expiry of the 7-year term of the permanent residence permit card shall in no way result in the cancel or loss of status for the long-term resident.

## **Article 88**

### **Exemption from the right to obtain a permanent residence permit**

The terms referred to in Article 87 of this law for obtaining permanent residence shall not apply to aliens who:

- a) stay in the Republic of Albania for study or vocational training purposes;
- b) stay in the Republic of Albania on grounds of temporary protection or after having filed an application to stay on such grounds and are pending a decision concerning their status;
- c) have lodged a request for staying in the Republic of Albania on grounds of complementary subsidiary (complementary) protection, in line with the international obligations, the national legislation and are pending a decision concerning their status;
- ç) are asylum seekers pending a final decision concerning their application;
- d) stay only temporarily as seasonal workers or providers of cross-border services or in the case where their residence permit has been officially restricted.

## **Article 89**

### **Refusal of the issuing of the permanent residence permit**

1. The permanent residence permit shall be refused to the alien who:
  - a) fails to meet the requirements provided in Article 87 of this law and falls within the categories listed in Article 88 of this law;
  - b) is subject to legal proceedings started against him for committing crimes in the Republic of Albania that have not yet been concluded;
  - c) his stay in the country constitutes a threat for the national security as well as the public order and safety.
2. Where the refusal of the residence permit is not followed by an expulsion order, the alien shall be entitled to file for temporary residence permit, for as long as s/he still meets the requirements provided for in this law to obtain the said permit.

## **Article 90**

### **Loss of the long-term resident status**

1. The alien shall lose his/her long-term resident status if:
  - a) there is proof that s/he has submitted misrepresenting data or facts to obtain this status;
  - b) s/he is subject to expulsion;
  - c) poses serious risk to public order and safety, but such risk does not constitute grounds for expulsion, as provided for in Article 105 of this law;
  - ç) has left the territory of the Republic of Albania for more than 12 consecutive months;
  - d) his refugee status has ceased or has been revoked.
2. The alien who falls ill or becomes disabled following the issue of the permanent residence permit may not be refused the granted permit or renewal of the temporary residence permit into a permanent one, and s/he shall not be revoked the permanent residence permit on such grounds.

**Article 91**  
**Issue of permanent residence permit in special cases**

1. The authority responsible for border and migration shall provide the alien with a permanent residence permit, if:
  - a) it is proved that the parents or grandparents are Albanian nationals;
  - b) the child was born in the Republic of Albania to parents who have permanent residence permit, without considering the requirements needed to obtain a permanent residence permit.
2. The foreigner, his family members and his key staff are provided with a permanent residence permit, but not more than 5 persons with an indefinite employment contract, if he has made an investment in the Republic of Albania in strategic sectors, in value and employment according to provisions on strategic investment legislation.
3. The terms, procedures and documents needed for a permanent residence permit in special cases shall be adopted by a Council of Ministers' Decision.

**Article 92**  
**Residence permit for the long-term resident of another country**

1. The long-term resident of another country may, under conditions of reciprocity stemming from the applicable bilateral or multilateral agreements in the Republic of Albania, apply for residence permit in the country, if s/he meets the requirements of Article 36 of this law and on the following grounds:
  - a) engages in activities as employer or self-employed;
  - b) attends studies or vocational training;
  - c) other reasons.
2. The terms and conditions of entry and stay of the long-term resident of another country in the Republic of Albania, enabled by the applicable bilateral or multilateral agreements in the Republic of Albania, shall apply, based on the principle of reciprocity, also to the long-term residents of the Republic of Albania to stay in another respective territory.

**Article 93**  
**Conditions of entry and stay applicable to the long-term residence of another country**

1. The long-term resident of another country may enter and stay up to 90 days within 180 days in the Republic of Albania visa-free and apply for residence permit within 60 days from the day of entry, if s/he meets the following requirements:
  - a) holds a valid travel document and a long-term residence permit in the country with which the Republic of Albania has an agreement on the mutual movement of long-term residents;
  - b) has documents proving that s/he has secured regular housing in the Republic of Albania;
  - c) proves that s/he has sustainable financial resources that are sufficient to provide for himself/herself and his/her family members;
  - ç) has an all-risks coverage health insurance, according to the applicable laws;
  - d) in case of exercising an economic activity, holds a valid single permit;
  - dh) if self-employed, in addition to the required permit to perform this activity, proof that s/he has sufficient funds to conduct the said activity;
  - e) in case of attending studies or vocational training, proof of enrolment in a recognised higher education or vocational training establishment in the Republic of Albania.
2. Upon obtaining the residence permit, the alien has the right to ask for family reunification with his/her family members, should they hold a residence permit in the country where s/he used to be a long-term resident.

3. In order to be issued a residence permit for purposes of family reunification, the family members of the alien who has been granted a residence permit within the requirements of this article, shall submit:

- a) a valid travel document and a copy of its first page;
- b) a copy of the residence permit in the Republic of Albania of the applicant alien (host);
- c) an authenticated copy of the residence permit of long-term residents in the country of previous residence;
- ç) where required, proof they stayed as members of the family of the long-term resident in the other country prior to their arrival to the Republic of Albania;
- d) all-risks coverage health insurance, in accordance with the applicable legislation, and proof of vaccination, for the illnesses covered by the Albanian vaccination programme;
- dh) proof of sustainable funds, sufficient to provide for them, without resorting to economic assistance or that the applicant long-term resident has sufficient funds for them.

4. If the family of the alien who has obtained a residence permit under the requirements of this article does not reside in the country where the alien used to be a long-term resident, family reunification shall take place in accordance with the provisions of Article 41 of this law.

5. Where provided with a long-term residence permit, the alien who has come to the Republic of Albania as a long-term resident within the requirements of this article, s/he shall notify accordingly on the decision the previous country of residence of the alien.

#### **Article 94**

##### **Annulment of the residence permit and the obligation to readmit**

1. The residence permit issued to the long-term resident of another country, according to Article 92 of this law, and to his/her family members may be annulled, its renewal may be refused, and they may be ordered to leave the country in the following cases:

- a) when the person in question poses a threat to public health and safety;
- b) when it is proven that the residence permit has been obtained by way of misrepresentation using forged documents;
- c) when the holder of the residence permit does not stay within the territory of the Republic of Albania, as established in this law.

2. In the case where the residence permit is annulled or its renewal refused, the alien shall be subject to readmission in the country where s/he had the status of long-term resident prior to arriving to the Republic of Albania.

#### **Article 95**

##### **General rules applicable to family members of the alien**

1. The minor who has entered the Republic of Albania on grounds of family reunification shall, when reaching adulthood, be entitled to apply for residence permit independently of his/her family members.

2. Unmarried partners shall, insofar as it is applicable, receive the same treatment as spouses in matters of family reunification.

3. The alien who is engaged in polygamous marriages shall have the right to apply for family reunification with one of the spouses and children born by the said spouse.

4. Aliens with a residence permit to whom a child is born in the Republic of Albania shall notify the local authority responsible for border and migration of the act of birth within 30 days and the latter shall provide the child with a temporary residence permit.

#### **Article 96**

##### **Rights of long-term residents**

1. The alien who holds a permanent residence permit shall be considered a long-term resident and as such shall be registered with the respective civil registry office. The alien who meets the requirements shall be provided with an identification document for aliens and may be employed, self-employed or engage in direct business activities, without the need for a work permit.
2. Long-term residents shall enjoy the same economic, health and social rights as the Albanian nationals, in accordance with the applicable laws.
3. The template of the identification document for aliens in the Republic of Albania shall be determined by a Council of Ministers' Decision.

## **SECTION IX**

### **INTEGRATION OF ALIENS IN THE ECONOMIC, CULTURAL AND SOCIAL LIFE**

#### **Article 97**

##### **Assistance for the integration of aliens**

Law enforcement authorities shall make sure the conditions are in place for the integration into the economic, cultural and social life of the aliens who are entitled to stay in the Republic of Albania, in accordance with the provisions of the applicable laws on the integration of aliens in the Republic of Albania.

#### **Article 98**

##### **Involved institutions and organisations**

1. Public institutions shall cooperate according to their scope of activity with social partners, not-for-profit organisations and international organisations to promote and implement programmes for the social integration of aliens.
2. In the course of all their activities, public institutions and Non Profit Organisations shall offer aliens protection against any form of discrimination.
3. Direct and indirect discrimination from legal, public and private entities shall be prohibited throughout the process of immigration for employment purposes.

## **CHAPTER V**

### **GENERAL CONDITIONS FOR THE REMOVAL OF ALIENS**

#### **SECTION I**

##### **REMOVAL OF ALIENS**

#### **Article 99**

##### **Removal order and the term of enforcement**

1. The authority responsible for border and migration shall issue a removal order concerning the alien, where:

- a) s/he no longer meets the requirements to stay in the Republic of Albania, in accordance with this law;
  - b) s/he has served a sentence ruled by the Albanian courts for having deliberately committed a criminal offence that is punishable with a minimum of two years in prison, according to the Criminal Code of the Republic of Albania;
  - c) although the alien meets the residence requirements, s/he works contrary to the conditions established by the applicable laws.
2. The applicable entry ban of an alien in the territory shall be decided on a case-by-case basis and may last from 3 months up to 5 years.
  3. Voluntary enforcement of the removal order shall take place in no less than 7 days and no more than 30 days from the notification date.
  4. Enforcement of the removal order applicable to various irregular alien categories shall take place as follows:
    - a) within at least 10 days from the notification date if the alien who has entered and stays illegally in the territory of the Republic of Albania, as provided by this law, is found in unlawful employment or has served a sentence given by the Albanian courts for an offence that is punishable with a minimum of two years in prison, as established by the Criminal Code of the Republic of Albania;
    - b) within at least 30 days from the notification date, if the alien who has been annulled or revoked the visa or who has been refused renewal of the residence permit or whose residence permit has not been renewed or whose residence permit has been annulled or revoked.
  5. The voluntary enforcement of the removal order may be extended for an adequate time (longer than 30 days), taking into consideration the specific circumstances of each separate case, with reference to the following categories:
    - a) children who attend school and have less than 3 months to complete the academic year;
    - b) the alien who has an outstanding debt and has to ensure its repayment within 3 months from the notification date;
    - c) aliens who experience health issues, until they are properly recovered and fit to travel or upon termination of their stay in isolation or quarantine, based on a decision by State authorities.
  6. Irregular foreign nationals who have received an extension of the voluntary enforcement term of the removal order shall report every 10 days to the regional authority responsible for border and migration in their place of residence.
  7. The alien who has received an extension of the voluntary enforcement term of the removal order shall have the right to:
    - a) stay together with his family members who are present in the territory;
    - b) use primary healthcare services, benefit treatment for specific illness and public health services;
    - c) the alien of minor age shall have guaranteed access to the education system, depending on the stay period;
    - ç) specialized services for people with disabilities.
  8. At the time of enforcement of the removal of the alien from the territory consideration shall be made of the best interest of the child, vulnerable individuals, family life, and the health condition of the alien who is subject to the said removal order.
  9. The alien shall be notified in writing, pursuant to the Administrative Procedural Code, in a language s/he understands or, at least, in English, about the removal order, indicating thereby the appeal procedures, in accordance with Article 100 of this law. The form and content of the removal order shall be specified in an instruction issued by the minister in charge of public order and safety.

## **Article 100**

### **Appealing the removal order**

The alien who is subject to a removal order shall have the right to file an administrative and judicial appeal, in accordance with the applicable laws.

### **Article 101** **Voluntary enforcement of the removal order**

1. The authority responsible for border and migration shall not enforce the removal order, if the alien declares s/he will voluntarily leave the country. The authority responsible for border and migration may consider the declaration of voluntary departure by the alien in a bid to prevent from imposing, lifting or suspending an entry ban in special cases that involve humanitarian grounds or other justified reasons, save for the cases where such statement may not be taken into account due to public order and safety interests.
2. The authority responsible for border and migration shall give precedence to the voluntary enforcement of the removal, particularly for the following categories of people:
  - a) an alien who has been staying illegally in the Republic of Albania but has had no detrimental impact on the public order and safety and who declares his intention to leave the country on a voluntary basis;
  - b) unaccompanied minors;
  - c) people who are sick, handicapped or with disabilities;
  - ç) parents with young children;
  - d) the victims of trafficking in persons who wish to return to their country of origin;
  - dh) the asylum seekers whose asylum application has been rejected or who have withdrawn their application and lack sufficient funds to return;
  - e) an alien who has regular travel documents but lack adequate financial means to stay;
  - ë) aliens who are found in unlawful employment in the territory of the Republic of Albania;
  - f) Prior to the issue of a removal order against an unaccompanied minor, s/he will be provided with adequate assistance offered by State bodies designated by law other than the ones enforcing the removal, hence focusing on the best interests of the child.
  - g) Prior to removing an unaccompanied minor from the territory of the Republic of Albania, the requesting authorities shall receive guarantees that s/he will be returned to a member of his/her family, an appointed custodian or to appropriate reception facilities in the country of return.
3. The removal order shall not be enforced until the process of appeal is completed and a final decision is made, unless when otherwise provided for in this law.
4. The authority responsible for border and migration shall undertake in cooperation with the international organisations engaged with matters related to aliens engages in joint programmes to mobilise funds to ensure the return of the aliens referred to in this article to their country of origin.

## **SECTION II**

### **EXPULSION OF ALIEN**

#### **Article 102**

##### **Expulsion of the alien by the authority responsible for border and migration**

1. Expulsion of aliens by the authority responsible for border and migration is an administrative action aimed at the removal of an alien from the Albanian territory, based on a case-by-case assessment, if it is found that the alien:
  - a) has entered illegally the territory of the Republic of Albania and there are reports that s/he intends to use its territory to cross illegally to other countries;

- b) has not left the Republic of Albania within the time limits indicated in the removal order with no objective reason or, following departure from the territory, s/he re-enters the territory of the Republic of Albania within the entry ban term;
- c) has not left the territory of the Republic of Albania within 60 days following the expiry of the visa validity, residence permit or term of stay foreseen in this law for the nationals who enter visa free and there are indications that they intend to abscond from the police authorities responsible for border and migration;
- ç) has been readmitted by another country under the applicable readmission agreements with the Republic of Albania;
- d) has been declared non grata, in accordance with the provisions of Article 104 of this law and his/her presence in the territory is deemed a serious threat to the public order and safety;
- dh) has been sentenced for a wilful criminal offence that is punishable with a minimum of 3 years in prison, according to the Albanian laws.
2. If the alien is subject to an expulsion order issued by the authority responsible for border and migration in accordance with this article, s/he shall be held in a closed reception centre as provided for in Article 115 of this law, until removal is enforced. In case of other alternative options, like the interim measures referred to under section IV of this chapter, the latter shall prevail on detention.
3. An alien who has no travel document shall go in person or escorted by competent authorities to the diplomatic and consular offices accredited to the Republic of Albania to be provided with such a document.
4. If there is no representative diplomatic mission or consular office of the country of the alien accredited to the Republic of Albania, the central authority responsible for border and migration shall request the issue of a travel document at the country of origin or at the diplomatic and consular office of the country of the alien accredited to any other country through the authority responsible for consular issues at the ministry in charge of foreign affairs.
5. If the diplomatic representative office refuses to issue a travel document, the central authority responsible for border and migration shall provide the alien with a standard travel document, defined by a readmission agreement, intended to enforce the removal of the alien.
6. In accordance with this law, the central authority responsible for border and migration may issue a laissez passer, if the alien is not provided any travel document in accordance with points 3 and 4 of this Article and Article 13 of this law.
7. The alien shall be informed in writing in a language s/he understands or, at least, in English of the enforcement of the administrative measure of expulsion taken by the authority responsible for border and migration, indicating the grounds for the order, the date and place of enforcement, the modality of transport to the country of destination and the duration of the imposed entry ban. The template of the expulsion order issued by the authority responsible for border and migration shall be adopted by an instruction of the minister in charge of the public order and safety.
8. The expulsion order shall apply to all irregular aliens in Albania, whereas removal is the action applicable to aliens who:
- a) have not left the country in observance of the expulsion order;
- b) has legal residence but is subject to an expulsion decision issued by the court, as an appendix to the sentence against him/her for a committed criminal offence, or the alien whose presence in the country is deemed to be a risk for public order and safety by migration authorities, because of the nature of offence committed, even if there is no court order calling for his/her expulsion;
- c) is declared non grata.

### **Article 103**

#### **Appealing the expulsion order issued by the authority responsible for border and migration**

1. The alien is entitled to appeal the expulsion order issued by the authority responsible for border and migration, in accordance with the applicable laws.
2. Until the termination of appeal proceedings, the alien shall be subject to alternative surveillance measures or be held in the closed reception centre pending immediate removal depending on the order issued for this purpose.

### **SECTION III**

#### **EXPULSION OF AN ALIEN AS PERSONA NON GRATA**

##### **Article 104**

##### **Individuals who are persona non grata**

1. The minister in charge of public order and safety shall, at the service of high interests of the State, constitutional and legal order, national security and public order, take a decision based on grounded arguments to declare non grata an alien in the following cases:
  - a) s/he acts or is engaged in propaganda against the sovereignty of the Republic of Albania, its national security, constitutional order, and public order and safety;
  - b) s/he is a member of terrorist organizations or supports and carries out actions encouraging anarchy against the rule of law;
  - c) s/he is a threat to the country or to the relations of the Republic of Albania with other countries;
  - ç) there are doubts that s/he will enter or stay in the territory to commit an offence or actions that pose a threat to the Republic of Albania;
  - d) s/he is involved in organized crime activities, trafficking in persons, drugs, and any other type of illegal trafficking, according to reports received by the relevant national security institutions.
2. The alien is declared “non grata” for a period of at least five years from the date of such decision and during this time s/he shall be banned entry or stay in the Republic of Albania.
3. The minister in charge of public order and safety may, at the request of the alien, review the application for entry, visa or residence permit, in the case where the adult alien has engaged in one of the above-mentioned actions in minor age.
4. The procedure to declare an alien non grata that is followed by the minister in charge of public order and safety and the template of the minister’s order for this purpose shall be adopted by a joint instruction of the minister in charge of public order and safety, the minister in charge of foreign affairs and the head of the State Intelligence Service.

##### **Article 105**

##### **Order to expel a persona non grata**

1. The alien who has been declared persona non grata shall be expelled from the territory of the Republic of Albania by means of an expulsion order issued by the minister in charge of public order and safety.
2. The alien shall be informed in writing, in a language s/he understands or, at least, in English, of the expulsion order as non grata, with the latter including:
  - a) the personal data of the expelled person;
  - b) the grounds on which the order has been issued;
  - c) the duration of the entry ban to Albania;
  - ç) in case of readmission, the country where s/he will be readmitted to;
  - d) the date of removal;

- dh) the enforcement modality;
  - e) the border crossing wherefrom s/he will leave.
3. The alien shall not be given information on the detailed reasons of issue of the expulsion order as persona non grata if they are deemed to be restricted/classified, especially those relevant to national security, defence, public order and those that concern prevention, investigation, detection and punishment of criminal activities.
  4. The template of the expulsion order as persona non grata shall be adopted by a instruction of the minister in charge of public order and safety.

### **Article 106**

#### **Procedures and enforcement of the expulsion order**

1. The expulsion order shall be enforced by the authority responsible for border and migration, who:
  - a) takes actions to detain the alien in the closed reception centre or apply otherwise interim measures, in accordance with section IV of this chapter, until the enforcement of the removal according to the indications in the expulsion order;
  - b) takes fingers and palm prints and the photograph of the alien;
  - c) records the expulsion order in special registers, noting down inter alia the duration of the entry ban in the Republic of Albania;
  - ç) annuls the residence permit, where it is applicable;
  - d) takes action to provide the alien with travel documents, visa and travel ticket.
2. The expulsion order shall be immediately enforceable where the presence of the alien constitutes a threat to the national order and security.
3. Where neither the alien nor the host possess the required financial means to bear the costs incurred by the alien's removal to the destination country, the local authority responsible for border and migration shall lend the amount as a down payment to the alien, with the latter having to repay the money if s/he intends to enter the Republic of Albania upon the expiration of the entry ban.

### **Article 107**

#### **Categories of individuals who are not subject to expulsion**

1. The alien who meets the following requirements is not subject to an expulsion order:
  - a) holds a permanent residence permit;
  - b) was born in the Republic of Albania;
  - c) has entered the Republic of Albania as an unaccompanied minor and has been issued a permanent residence permit;
  - ç) has been granted a temporary residence permit and is married to an alien who holds a permanent residence permit or with an Albanian national;
  - d) there are well-founded reasons to suspect that if returned to the country of origin or another country, the alien will be subjected to a death sentence, torture, inhumane and degrading treatment or will be punished on discriminating grounds;
  - dh) the unaccompanied minor, if there is the country of origin, another country or other institutions do not guarantee family reunification or adequate medical care;
  - e) is member of the family of an alien who has been recognized the status of the refugee in the Republic of Albania;
2. Exceptionally, the alien may be expelled, even if s/he satisfies all the requirements enlisted in point 1 of this article, where his/her stay poses a risk for public order and safety and threatens national security, in compliance with the provisions of this law.

**Article 108**  
**Review of the order declaring the alien non grata and the expulsion order**

The alien or the members of his/her family may only file for an administrative review of the order declaring a persona non grata and the resulting expulsion order with the issuing authorities.

**SECTION IV**

**INTERIM MEASURES**

**Article 109**  
**Application of interim measures**

1. The authority responsible for border and migration shall take interim measures to arrange or ensure enforcement of the decision of removal of an alien from the territory or to supervision of such removal.
2. Interim measures shall be an alternative to the detention in a closed reception centre of the alien subject to removal and are taken on a case-by-case basis, without affecting the enforcement of the removal order.
3. Interim measures may apply after the issue of the removal order and, where required, they can substitute the detention measure in a closed reception centre, after its enforcement.
4. The terms, procedures and template of the order for interim measures shall be adopted by an instruction of the minister responsible for public order and safety.

**Article 110**  
**Obligation to report**

1. An alien may be required to report on regular time intervals to the authorities responsible for border and migration where:
  - a) an expulsion or removal order has been issued against him/her and there is a need to guarantee that the order will be enforced or to supervise the removal of the alien from the territory;
  - b) prior to departure, the alien had registered an accurate known address by the local border and migration authorities and there are indications that the alien may be abscond the enforcement of removal;
  - c) the best interest of the family of the alien is taken in consideration.
2. The alien shall be informed of the grounds for such obligation.
3. The obligation to report shall be effective until the alien leaves the territory.

**Article 111**  
**Seizure of flight ticket and travel document**

1. In the case where the alien is subject to an expulsion order, the responsible authority for border and migration may seize the flight ticket and the travel document to ensure the return of the alien. Seizure procedures shall be adopted by an order of the minister in charge of public order and safety.
2. The local authority responsible for border and migration shall seize the alien's travel documents until the end of the appealing procedure.
3. The alien shall be issued a document for identification purpose throughout the time in which his/her documents have been seized.
4. The template of the identification document shall be adopted by an order of the minister in charge of public order and safety.

**Article 112**  
**Freezing financial means or giving financial guarantee**

1. The local authority responsible for border and migration shall freeze the funds possessed by the alien to the amount necessary to cover the costs of his/her removal, where such expense is required. The remaining amount of the frozen financial means shall be returned the alien immediately at the moment of departure.
2. Instead of taking other interim measures or in combination with them, decided on a case by cases assessment, the authority responsible for border and migration may ask the alien to provide a financial guarantee ensuring his/her return.
3. The financial guarantee shall be immediately returned to the alien, where it is no longer deemed to be necessary or upon enforcement of the alien's removal.

**Article 113**  
**Compulsory stay within a specific territory**

1. The responsible authority for border and migration shall decide to restrict the alien's personal freedom ordering him/her to be confined in a specific territory, in the following cases:
  - a) the removal or expulsion cannot be ordered or applied on objective grounds or due to a commitment taken by the Republic of Albania under an international agreement into force;
  - b) the alien has a residence permit on humanitarian grounds;
  - c) the detention period in a closed reception centre has expired and removal of the alien has not been made possible or, due to humanitarian ground, the alien cannot be held in a closed reception centre;
  - ç) public health authorities have recommended, after an assessment and in accordance with the International Health Regulation, that the individual or individuals are isolated for the time required for the incubation of the suspected illness.
2. The alien is entitled to file an appeal with the competent court for administrative matters against the order forcing him/her to stay within a specific territory.
3. During the stay within a specific territory, the alien may, upon consent of the local authority responsible for border and migration, enter employment relationships with Albanian or foreign contractors, in compliance with the provisions of this law and its implementing bylaws.
4. The local authority responsible for border and migration shall specify in the order for compulsory stay within a specific territory, the general rules for the stay, the place and duration of the stay and shall inform the alien about his/her obligation to report to the authorities on a monthly basis. The template of the order for compulsory stay within a specific territory shall be adopted by an order of the minister in charge of public order and safety.
5. Costs of the compulsory stay within a specific territory shall be covered by the funds of the ministry responsible for order and public safety. The modalities for the administration of funds and the compulsory stay within a specific territory shall be established by a Council of Ministers' Decision.

**SECTION V**

**DETENTION IN CLOSED RECEPTION CENTRES**

**Article 114**  
**Closed reception centre**

1. A closed reception centre is an administrative facility with a determined security level and confinement, where only aliens subject to an expulsion order from the Republic of Albania are held.
2. A closed reception centre shall meet all the conditions for a humane and decent treatment and shall ensure provision of health services and safeguarding of the individual fundamental rights.
3. The authority responsible for border and migration shall, where an alien is held in a closed reception centre, take immediate action at the request of the latter to take care of the members of the family of the detained alien who are left without support and supervision.

### **Article 115**

#### **Detention in a closed reception centre**

1. Detention in a closed reception centre shall be a last-resort administrative action that the regional State authority responsible for dealing with aliens takes and enforces against the alien who is subject to an expulsion order on a case-by-case assessment, after all possible alternative actions have been exhausted or where it is deemed that such actions do not apply to the alien or to the readmitted alien, in accordance with the readmission agreements into force in the Republic of Albania, with the sole purpose of ensuring conditions for his/her removal/readmission.
2. The alien shall be held in a closed reception facility established for this purpose for the shortest time possible until all legal procedures enabling his/her removal from the Republic of Albania are completed within the timelines set out in this law.
3. The regional State authority responsible for dealing with aliens may hold an alien in a closed reception centre on grounds of public safety, identity or unclear motives of stay.
4. The alien shall be informed in writing in a language that s/he understands or, at least, in English, about the order of detention in a closed reception centre, which shall provide the grounds and duration of detention and the right to legal representation from an attorney of his/her choice or ex officio and the right to communicate with his/her relatives.

### **Article 116**

#### **Appeal of detention order**

1. The alien who is subject to an order of detention in a closed reception centre shall have the right to appeal such action in court at any time, after being informed in writing of the detention or its extension thereof.
2. The district court shall review with priority the lawfulness of the action to detain the alien in a closed reception centre and shall rule whether to uphold such decision or release the alien.
3. The court judgment shall be appealed within the time limits set out in the applicable laws.

### **Article 117**

#### **Time of detention in a closed reception centre**

1. An alien shall be held in a closed reception centre for a time that shall not exceed six months.
2. The central authority responsible for border and migration shall, at the suggestion of the closed reception centre authorities, extend the alien's detention time with six additional months, if the removal of the alien within the six-month detention period has been impossible for the following reasons:
  - a) the alien refuses to give personal data or information and provide the travel documents required for his/her removal or offers false information;
  - b) the alien has hindered or stopped in various ways his/her return;
  - c) the delay in the issue of a travel document or any other necessary return documents requested from the authorities of another country is justified.

3. The authorities of the closed reception centre shall file a request to extend detention at least 15 days prior to the end of first six month-term detention in the centre. The central authority responsible for border and migration shall review the request and inform the closed reception centre of the decision within 10 days.

4. During detention in the closed reception centre, the authority responsible for border and migration in cooperation with the closed reception centre authorities shall examine whether existence of grounds for the detention of the alien in the closed reception centre. Depending on the assessment, the authority responsible for border and migration may decide to replace detention with other appropriate interim measures provided in this law.

5. Where during the detention in the closed reception centre, the alien commits an offence, s/he shall be prosecuted in accordance with the applicable criminal law provisions and immediately transferred to another facility established for this purpose, according to the law.

### **Article 118**

#### **End of detention in the closed reception centre**

1. The detention of an alien in the closed reception centre shall end when:

- a) the alien is removed from the territory;
- b) the detention term indicated in the detention order has expired;
- c) the stay of the alien becomes illegal;
- ç) the decision of detention in the centre is cancelled;
- d) detention in the closed reception centre has been replaced with another interim measure provided in this law.

2. The alien shall be released from the centre if:

- a) it becomes obvious from the circumstances that the alien cannot be forcibly removed;
- b) the court rules his/her release from the centre.

### **Article 119**

#### **Detention of unaccompanied minors**

1. Exceptionally, an unaccompanied minor who is subject to a detention order shall be held in a State social facility established particularly for this purpose by or at another centre, in cooperation with international organizations which engage in missions to support children, victims of trafficking or other vulnerable categories.

2. The minor may be held in a closed reception centre, only if it is in his or his family's best interest, in special premises that keep them separate from adults.

3. Prior to the detention of a minor in a closed reception centre, a social worker and a psychologist is consulted.

4. Where there are doubts about the age of a detained alien, the responsible authority for border and migration may request a medical examination from specialised State institution with the sole purpose of confirming their age. In case doubts over the age of the detained person remain even after the verifications and expertise, it shall be presumed that the person is a minor.

### **Article 120**

#### **Notifying diplomatic representatives**

1. At the request of the alien or where required under a bilateral agreement, the ministry in charge of foreign affairs shall inform immediately the diplomatic or consular mission of the country of the alien detained in the centre about his/her detention and its extension thereof.

2. If the alien has applied for asylum or enjoys the status of refugee or any other type of protection from the Republic of Albania, this information is not communicated to the diplomatic or consular representative of his/her country.

#### **Article 121**

##### **Rights of the alien held in the closed reception centre**

1. The alien who is held in a closed detention centre in accordance with the stipulations of this chapter shall be informed in a language s/he understands or, at least, in English, of any action taken by the responsible authorities concerning his/her detention in the centre.
2. The alien shall have the right to a humane treatment and provision with adequate food, legal aid at any time and medical care.
3. The alien shall have the right to inform his/her consular representative of the detention.
4. The alien shall have the right to address the district court about any violation of his/her fundamental rights.
5. In case of readmission, the alien shall be informed of his rights and obligations stemming from the Albanian laws in a language s/he understands or, at least, in English.

#### **Article 122**

##### **Compensation of costs incurred by removal/expulsion**

1. The alien shall bear himself/herself the costs arising during the stay at the centre and other costs incurred by his/her removal/expulsion.
2. All cash funds that are taken as a deposit from the alien who is subject to removal shall be recorded in writing.
3. The funds of the alien shall be used solely to cover the costs referred to in point 1 of this article.
4. In the case where the alien lacks financial means to cover the costs referred to in point 3 of this article, expenses are born by the legal/ or natural person who enabled his/her entry or residence or illegal transit of the alien in the territory of the Republic of Albania, or by the legal or natural person who has taken over to cover the cost of stay and return of the alien from the Republic of Albania, or by the carrier in accordance with Article 131 of this law, or by the employer who has employed an alien in contradiction with the provisions of this law.
5. Taking possession and use of funds in accordance with this article shall be done by an order of the authority enforcing the removal of the alien, following the procedure adopted by an instruction of the minister in charge of public order and safety.

### **SECTION VI**

#### **AIR TRANSIT AND OPERATIONS OF REMOVAL BY AIR**

##### **Neni 123**

##### **Assistance in case of transit for purposes of removal by air**

1. The central State authority responsible for dealing with aliens and removals shall take actions to ensure mutual assistance between competent authorities in the airports of the transit contracting States (parties) to conduct unescorted and escorted air removals.
2. Procedures to ensure assistance in case of transit for purposes of air removal shall be adopted by an instruction of the minister in charge of public order and safety.

**Article 124**  
**Removal operations and joint removals by air**

1. The central State authority responsible for dealing with aliens and removals may, under the enforceable agreements in the Republic of Albania, work in concert with other countries for purposes of removal operations or joint removals by air.
2. The central State authority responsible for dealing with aliens and removals shall coordinate and organise participation in removal operations and joint removals by air.
3. Procedures concerning the organisation of removal operations and joint removals by air shall be adopted by a joint instruction of the minister in charge of public order and safety and the minister in charge of foreign affairs.

**CHAPTER VI**

**USE OF THE UNIFORM AND MILITARY VEHICLES**

**Article 125**  
**Use of the military uniform and vehicles**

1. During his/her stay in the Republic of Albania, the alien may keep the military uniform and use vehicles with foreign license plates and military symbols, in that case where s/he:
  - a) stays in the Republic of Albania as a member of a diplomatic mission or consular post of another country or member of foreign missions carrying a diplomatic status;
  - b) is on an official visit, as member of a foreign mission or military delegation;
  - c) is transiting through the territory of the Republic of Albania with a diplomatic or service passport as member of a foreign military mission or delegation;
  - ç) participates in a military exercise or other training of this type.
2. The alien who has a student status may not use vehicles with foreign license plates and military symbols during his/her stay in the Republic of Albania but may keep his/her military uniform if s/he attends studies in a higher education establishment in the field of defence and national security in the Republic of Albania.

**Article 126**  
**Use of the police and customs uniform and vehicles**

- During his/her stay in the Republic of Albania, the alien may keep his/her police or customs uniform and use vehicles with foreign license plates and police symbols, in case s/he:
- a) is on an official visit as a member of a delegation of a foreign police or customs authority;
  - b) is performing a functional role under a bilateral or multilateral agreement in the Republic of Albania;
  - c) attends studies in a higher education establishment in the field of public order and safety;
  - ç) is transiting through the territory of the Republic of Albania with a diplomatic or service passport as part of a foreign police or customs mission or delegation.

**CHAPTER VII**

**SUPERVISION AND MONITORING OF ALIENS**

**Article 127**  
**Supervision of aliens**

The authority responsible for border and migration shall in line with the applicable laws perform the following tasks:

- a) supervises and monitors the enforcement of the rules of entry and stay by aliens, in accordance with this law;
- b) asks for travel documents, residence permit or identification document;
- c) escorts to the police station the alien who does not have any identification document, residence permit, travel document or any other document that proves his/her identity;
- ç) transports the alien subject to a removal order to the border crossing point or the country of origin;
- d) transports the intercepted alien to a health establishment, where required, to get medical treatment or for public health purposes to ensure that s/he is isolated or quarantined;
- dh) escorts and takes action to return aliens staying illegally to their country of origin or the country of transit used by the alien to enter the Republic of Albania;
- e) takes action to ensure that the alien detained and held in a closed reception centre appears before judicial authorities;
- ë) escorts the alien to the diplomatic or consular authorities to conduct a requested interview, to obtain travel documents and escort him/her back to the facility where s/he is detained;
- f) cooperates with other authorities to monitor the enforcement of laws by aliens upon their entry and stay in the territory of the Republic of Albania;
- g) sets fines on aliens and takes action to enforce them in all the cases provided for in Article 139 of this law.

#### **Article 128**

##### **Obligation of the alien to prove his/her identity**

1. An alien shall prove his/her identity by means of:

- a) a travel document;
- b) a personal identity card for aliens;
- c) a document issued by the maritime travel companies, which includes a photograph;
- ç) any other public document, which includes a photograph.

2. An alien shall carry with them a document which proves their identity and show it, where required, to the officials in charge of control.

3. An alien shall show his/her travel document when crossing the border where required by an official assigned for this purpose.

4. An alien who does not have any identification document, shall have the obligation to submit his/her accurate personal data to a designated official responsible for the control of aliens in the territory.

5. An alien may not give his/her travel documents to be used by others and may not use forged identification documents or travel documents belonging to someone else.

#### **Article 129**

##### **Return of the travel document, identity card and residence permit**

An alien shall return the travel document, identity card and residence permit issued by the authorities of the Republic of Albania, if:

- a) s/he leaves definitively the territory of the Republic of Albania;
- b) documents expire;
- c) s/he acquires the Albanian citizenship.

**Article 130**  
**Obligation of the alien to provide information on his/her address**

1. An alien shall inform the authority responsible for border and migration about his/her domicile either in person or through his/her employer, host or accommodator within 10 days from his/her entry in the Republic of Albania or from the date of change of his/her domicile in one of the ways specified in the instruction of the minister in charge of public order and safety, submitting the following information:
  - a) first name, last name, date of birth, sex, number of travel document and address of the domicile outside the territory of the Republic of Albania;
  - b) the full address of the domicile in the Republic of Albania;
  - c) the issue date and series number of the visa, where s/he holds one;
  - ç) place and date of entry in the Republic of Albania and the anticipated date of termination of stay at the mentioned domicile.
2. Failure of the alien to comply with the obligation to report his/her domicile address shall constitute administrative contravention and be subject to penalties.

**Article 131**  
**Obligation of the alien holding a residence permit to register their domicile**

1. An alien who has been issued a residence permit shall have to register the domicile address with the competent civil registry office.
2. Failure to comply with the obligation to register the domicile within the established timelines shall constitute administrative contravention and is subject to penalties.
3. If the alien fails within 30 days upon obtaining the residence permit to complete the domicile registration procedure, his/her residence permit shall be cancelled. To do so, it is enough for the competent civil registry office to inform the authority responsible for border and migration about the failure of such registration.

**Article 132**  
**Carrier responsibilities**

1. A carrier shall, before departure, check whether aliens traveling to and from the Republic of Albania via air, land or water carry valid travel documents and a visa, where required, and shall send electronically to the authority of the border crossing point of entry/departure an accurate list of passengers and crew before the travel. Upon arrival, the carrier shall hand over to the border crossing point staff the full list of passengers and crew.
2. The driver of a vehicle, the shipmaster of a vessel or an aircraft pilot and representatives of the carrier onboard shall make sure that the people traveling with them do not enter the country without the permission of border control authorities. If during the journey they find a clandestine traveller on board of the vehicle, they shall inform the border control authorities accordingly, before or upon arrival at the border crossing point.
3. The carrier shall have the obligation to return the alien who has been refused entry to his/her country of departure or to the country that has issued the travel document to the alien or to any other country where the alien is certain to be admitted.
4. The carrier shall have the obligation to ensure the return of an alien, if the latter is transiting through the Republic of Albania and is refused entry, and if another carrier due to transport the alien to the country of destination rejects to have him/her on board or where the alien is refused entry by the authorities of the destination country and s/he has been sent back to the Republic of Albania.

5. If the border control authorities have allowed entry of the alien in the country, the carrier shall no longer have the obligation to send him/her back, in accordance with this article, except when the alien has applied for asylum at the bord.
6. If the alien who has been refused entry lacks adequate financial means to fund his/her return, the carrier shall cover the cost of return.
7. Where immediate return is not possible, the carrier shall bear the costs of stay of the alien until the moment of return.
8. To enforce a removal order from the country, the authorities responsible for border and migration may decide to escort the alien who is subject to such removal, if the security of the vehicle or the enforcement of removal require so. Additionally, the carrier may ask the authorities responsible for border and migration to provide an escort to the alien who is subject to removal.
9. If an alien is refused entry at the border for lack of the required travel document, a visa or residence permit and the alien is escorted back as per the request of the carrier, the latter shall bear the costs arising from the use of the escort. If escorting is requested by the authority responsible for border and migration, the arising costs shall be borne by the latter.
10. The carrier is not entitled to any compensation by the State for the costs arising during the transportation of irregular aliens.
11. The carrier shall return the asylum seeker transported by him at the border if a decision refusing his/her asylum has been made within 3 months upon his/her entry in the country.
12. The local authority responsible for border and migration, who refuses entry, shall impose penalties on the agency transporting the alien who has been subject to the said refusal, except for the cases where entry has been refused on grounds of failure to satisfy the supplementary conditions of entry and stay by the alien or of the invalidity of the visa and residence permit, and where errors in the data of the passengers' list are deemed to be justifiable.
13. Prior to imposing a penalty on the carrier, the latter or his representative shall have the right to offer their arguments in writing.

### **Article 133** **Obligations of public service providers**

1. Aliens who do not hold a valid travel document, as recognized by this law, a valid visa or residence permit and who fail to prove legal entry and residence in the country, shall not be provided with public services from organizations and local administration, public interest entities and social insurance institutions
2. The above obligation does not apply to hospitals and healthcare centres in those cases where aliens need medical services under health emergency conditions.

### **Article 134** **Obligations of the employer**

1. Employers who employ an alien in the Republic of Albania shall:
  - a) prior to recruiting an alien, ask for a residence permit or any other similar authorization that is valid for the duration of the said employment;
  - b) prior to the start of employment, make a copy of or record the content of the residence permit or any other authorization to stay;
  - c) keep at least for the employment duration copies or registers that are immediately made available for inspection by the State authorities responsible for the control of aliens in the territory and the inspectorate responsible for employment;
  - ç) inform competent authorities of the beginning and end of employment of an alien within one week;

- d) cover the costs of return for any alien who has been illegally employed by them, where return procedures apply;
  - dh) pay all outstanding remunerations to the alien that has been illegally employed by them;
  - e) pay any outstanding taxes or social contribution, including the respective administrative penalties applicable to the alien who has been illegally employed by them.
2. Employers shall be deemed to have satisfied their obligations upon implementation of point 1/a of this article, except for when the document presented as a residence permit or any other authorization to say is clearly invalid.
  3. In case of proven illegal employment, the regional authority responsible for border and migration shall presume that the employment relationship has been in place for at least 6 months, save for the cases where the employer can prove otherwise.
  4. In case where employment of aliens who are staying illegally in the country, the regional authority responsible for border and migration shall suggest the state authorities responsible for the employer the following additional actions:
    - a) exclusion from the right to public benefits, aid or funds for a period of up to five years;
    - b) exclusion from public procurement contracts for a period of up to five years;
    - c) temporary or permanent closure of the entities used to commit the violation.

### **Article 135**

#### **Obligations of notaries**

1. Notaries, When carrying out notarial duties for aliens who reside in the territory of the Republic of Albania or declare their domicile there, area obliged to ask the latter to show the relevant document proving their legal stay in the Republic of Albania and shall reflect the fact in the notary deeds they compile.
2. Notaries shall be exempt from the obligation referred to in point 1 of this article in the cases where aliens are represented by an attorney in court.

### **Article 136**

#### **Obligations incumbent on individuals and entities**

1. Aliens who do not hold a valid document recognized by this law or a visa or a valid residence permit shall not be rented immovable property.
2. Managers/owners of hotels and resorts shall inform the regional/local authority responsible for aliens about the arrival and departure of aliens who are accommodated in their property. It is prohibited for hotels and resorts to admit foreigners who fail to prove they are legally staying in the Republic of Albania.
3. If an alien stays illegally in the Republic of Albania and lacks sufficient funds to return, his/her host or the organiser of his/her transport to the Republic of Albania shall cover the cost of return.
4. State entities or private companies or individuals shall inform immediately the responsible authorities of the border and migration police upon learning of aliens who are staying or working illegally in the territory of the Republic of Albania, save for the cases where they are bound to secrecy in accordance with the applicable laws.
5. The court which issues a final decision declaring an alien guilty of a criminal offence shall inform the regional authority responsible for border and migration accordingly.
6. Penitentiaries shall inform the regional authorities responsible for border and migration of the release of an alien 24 hours in advance.

## **CHAPTER VIII**

### **PROCESSING OF PERSONAL DATA**

**Article 137**  
**Collection of data and record books**

1. State authorities responsible for handling foreigners collect and administer personal data of the aliens from State agencies, private entities, Albanian or foreign nationals resident in the Republic of Albania and from the alien himself/herself. This data is entered into the national electronic register of aliens and in separate record books where:

- a) it is provided by the law or any international agreement ratified by the Republic of Albania;
- b) it is in the interest of the alien and the alien does not object to it;
- c) it is necessary for the purpose of preserving public order and safety, national security and public health.

2. Collection, processing recording and deletion of personal data of aliens following upon expiration of the term, as per Article 139 of this law, shall be governed by a joint order of the minister in charge of public order and safety, the minister in charge of foreign affairs and the minister in charge of the economy.

3. The establishment and operation of an electronic register for aliens shall be approved by a Council of Ministers' Decision and shall consist of:

- a) the border control module;
- b) the visa module;
- c) the single and residence permit module;
- ç) the module of handling irregular aliens in the territory;
- d) the module of identification and travel documents of aliens.

**Article 138**  
**Use of data**

1. Authorities responsible for dealing with aliens shall administer and use collected data on aliens in compliance with the principles of data protection and shall make them available to the justice authorities, national security bodies, authorities responsible for refugees and regional authorities who deal with aliens and have an interest in the area.

2. Data collected and administered in accordance with this law and with the law on personal data protection shall be stored and used by the authority responsible for border and migration for a specific time that shall be no longer than what is necessary to satisfy the purpose for which it was collected or processed.

3. For legal motives, the following authorities shall be entitled to collect, administer, exchange and request availability of data on aliens:

- a) State authorities responsible for citizenship matters;
- b) State authorities responsible for the employment of aliens;
- c) State authorities responsible for finance and customs issues;
- ç) State authorities responsible for civil registry in the administrative area of residence of the alien;
- d) authorities responsible for public health;
- dh) authorities responsible for education and science.

4. The annual migration profile is adopted by an order of the minister in charge of public order and safety within the first six months of the successive year.

5. The extended migration profile is prepared in cooperation with the responsible institutions for the management of migration statistics once in four years and is adopted within the nine months of the successive year by a Council of Ministers' Decision.

**Article 139**  
**Data storage**

1. Authorities responsible for dealing with aliens who collect and administer data on aliens in accordance with articles 138 and 139 of this law shall store it for five years following the expiry of the visa validity or of the temporary residence permit, or for 10 years following the completion of administrative or criminal proceedings resulting in punishment. For individuals who have been declared *non grata* for more than 10 years, the data storage term shall be the same with the one specified in the decision that has declared the alien *non grata*.
2. Authorities responsible for dealing with aliens, who collect and administer the personal data of aliens shall make proper organizational and technical arrangements to protect personal data from unlawful or accidental destruction, accidental loss, access by or disclosure to unauthorised persons, especially when data is processed online, and from any other form of unlawful processing.
3. Anyone who has access to personal information collected, stored, and processed by the authorities responsible for dealing with aliens both in the course and upon completion of duty shall be bound by confidentiality and non-disclosure of any personal data, unless otherwise provided by law.

**CHAPTER IX**

**STATE FEES FOR PROCESSING VISA, RESIDENCE PERMIT AND SINGLE PERMIT AND SANCTIONS**

**Article 140**

**Applicable State fees for processing a visa, residence permit and single permit**

1. A foreign worker pays the State fee prior to obtaining the visa, residence permit and single permit. Such fee shall be determined by a Council of Ministers' Decision.
2. The State fee for the issue of residence permit shall not apply to the citizens of the Republic of Kosovo and the nationals of ethnic Albanian origin from Serbia, Montenegro and North Macedonia who have come to Albania for study purposes.
3. Revenues from State fees are transferred to the State budget.

**Neni 141**

**Sanctions and enforcement**

1. Violation of the provisions of this law, when it does not constitute a criminal offense according to the Albanian legislation, constitutes an administrative contravention and is punished with a fine by the relevant authorities, in accordance with the legislation in force for administrative contraventions.
  - a) a foreigner is punished with a fine from 20,000 (twenty thousand) to 30,000 (thirty thousand) ALL, who:
    - i. is in the territory of the Republic of Albania without the required travel document, visa, or residence permit or does not fulfill the obligation to register or apply for a residence permit;
    - ii. is employed for a fee or practices a trade without the right to gainful employment;
    - iii. does not fulfill, if required, the obligation to report or the request to appear before the authorities to provide information.
  - b) a foreigner who enters the country, while there is an order against him to enter, is punished with a fine from 50 000 (fifty thousand) to 100 000 (one hundred thousand) ALL.

- c) a foreigner who opposes or does not meet the requirements for verification of identity, citizenship or other issues in accordance with this law and the acts implementing it, shall be punished by a fine of 10,000 (ten thousand) to 20,000 (twenty thousand) ALL.
- ç) the foreigner, who violates the terms of stay, defined in this law, but leaves voluntarily before the border and migration authorities have ordered his departure, is punished with a fine of 50 000 (fifty thousand) ALL. If the allowed period of stay is exceeded for more than 1 month, the foreigner is fined with 100,000 (one hundred thousand) ALL.
- d) Albanian or foreign persons who agree to shelter or provide services to foreigners, contrary to the provisions of this law, without reporting to the authorities responsible for border and migration, shall be punished by a fine of 300 000 (three hundred thousand) up to 400,000 (four hundred thousand) ALL per person.
- dh) Albanian or foreign persons, who do not keep a register of data for foreigners according to this law and the acts in its implementation, are punished with a fine from 50 000 (fifty thousand) to 100 000 (one hundred thousand) ALL per person.
- e) a foreigner who loses a passport for foreigners or documents issued by the migration authorities and does not notify within the prescribed period, shall be punished by a fine of 10,000 (ten thousand) to 15,000 (fifteen thousand) ALL.
- ë) the foreigner, who does not appear for examination to the state sanitary inspector within 10 days after the notification of this request of the responsible bodies, is punished with a fine from 10 000 (ten thousand) to 20 000 (twenty thousand) ALL.
- f) a foreigner who changes the destination of the activity from the one for which he has received the permit from the responsible bodies, or stays in the Republic of Albania for a reason other than the one for which the residence permit, unique permit or visa has been issued , is punished with a fine from 200 000 (two hundred thousand) to 300 000 (three hundred thousand) ALL.
- g) the foreigner, who does not fulfill the obligation of notifying the address according to the determined deadlines, constitutes an administrative violation and is sanctioned with a fine of 3000 (three thousand) ALL.
- gj) the foreigner, who does not register the address of residence at the civil status office according to the deadlines in force, is punished with a fine of 3000 (three thousand) ALL.
- h) a foreigner or an Albanian citizen, who is an invitee for a foreigner and does not respect the obligations undertaken for unjustified reasons, is punished with a fine of 10 000 (ten thousand) ALL.
- i) state bodies, public, legal or natural persons, who do not implement the obligations deriving from the provisions of this law, are punished with a fine from 200 000 (two hundred thousand) to 300 000 (three hundred thousand) ALL.
- j) carriers who do not report or send in advance or do not present in full and accurately the list of staff and passengers, are punished with a fine from 300 000 (three hundred thousand) to 400 000 (four hundred thousand) ALL per person .
- k) transporters transporting foreigners, who obviously do not meet the conditions to enter or transit in the Republic of Albania, according to the obligation defined in points 1 and 12 of article 131 of this law, are punished with a fine from 300 000 (three hundred thousand ) up to 400,000 (four hundred thousand) ALL per person.
- l) parents or legal guardians, who do not fulfill the legal responsibilities for minors according to the provisions of this law, are punished with a fine from 50 000 (fifty thousand) to 100 000 (one hundred thousand) ALL.
- ll) the employer or employee, who enters into employment illegally, violating the provisions set by this law and bylaws in its implementation for the employment of foreigners, shall be punished by a fine of 350 000 (three hundred and fifty thousand) up to 400,000 (four hundred thousand) ALL per person.

m) a foreigner or Albanian citizen, who enters into a fictitious marriage to obtain a residence permit without having serious marital intentions, is punished with a fine from 350 000 (three hundred and fifty thousand) to 400 000 (four hundred thousand) ALL.

2. Penalties for aliens specified in this article shall be applicable, irrespective of any other administrative sanction imposed on them as per the provisions of this law.

3. The template of the administrative act whereby the administrative sanction is imposed shall be adopted by a Council of Ministers' Decision.

#### **Article 142** **Enforcement of sanctions**

1. Penalties imposed on aliens in accordance with Article 141 of this law constitute an enforceable title and as such shall be executed by the issuing authority in accordance with the laws applicable to administrative contraventions.

2. The decision to impose a penalty may be appealed in accordance with the applicable legislation.

3. The alien may pay the fine also in foreign currency, applying the exchange rate of the day with the Albanian lek.

### **CHAPTER X**

#### **TRANSITIONAL AND FINAL PROVISIONS**

#### **Article 143** **International agreements**

International agreements made with governments of the countries ratified by law may set out special and more favourable provision concerning the nationals of these countries that are mutually applicable.

#### **Article 144** **Transitional provisions on residence permits**

1. The alien who has been granted a one-year residence permit, in accordance with Law No 108 of 28.03.2013, "On Aliens," amended, whose term expires following the entry of this law into force, shall, where the grounds for its issuance remain unchanged, continue to use the said permit, notwithstanding the different designation of the residence permit provided by this law.

2. The alien who has been granted a 2-year residence permit, in accordance with Law No. 108 of 28.03.2013, "On Aliens," amended, which is valid for one year after the entry of this law into force, shall, where the grounds for its issuance remain unchanged, continue to use the said permit, notwithstanding the different designation of the residence permit provided by this law.

3. The alien who has been granted a 2-year residence permit, in accordance with Law No. 108 of 28.03.2013, "On Aliens," amended, which is valid for longer than one year after the entry of this law into force, shall, where the grounds for its issuance remain unchanged, shall go to the regional authority responsible for border and migration to replace the issued residence permit within one year upon the entry of this law into force.

4. Aliens who have been granted a 5-year residence permit, in accordance with the Law No. 108 of 28.03.2013, "On Aliens," amended, shall, where grounds for its issuance remain unchanged, continue to use the said permit notwithstanding the different designation of the residence permit provided by this law.

5. The terms, procedures and documents necessary to replace the residence permit, in line with point 3 of this article, shall be defined by an instruction of the minister in charge of public order and safety.

6. Residence permits issued to aliens in compliance with the applicable laws prior to the entry of this force into law shall be valid until the date of expiry, as long as they are not annulled by the competent State authorities or become invalid, in accordance with the provisions of this law and its implementing bylaws.

### **Article 145**

#### **Transitional provisions on work permits**

Work permits granted to workers or self-employed, or exemptions from the obligation to obtain one thereof that were provided by the law prior to the entry into force of this law and its bylaws, shall be valid until the expiry date, as long as they are not annulled by the competent State authorities or become invalid, in accordance with the provisions of this law.

### **Article 146**

#### **Bylaws**

1. The Council of Ministers is charged to issue bylaws within 6 months from the entry into force of this law pursuant to articles 6, point 1, letters "dh" and "e"; 6, point 12; 12, point 7; 13, point 3; 15, point 2; 19, point 4; 21, point 3; 23, point 1; 29, points 1 and 6; 32, point 2; 33, point 6; 37, points 1 and 4; 38, point 2; 56, point 7; 78, point 2; 81, point 4; 84, point 4; 91, point 3; 96, point 3; 113, point 5; 137, point 3; 138, point 5; 140, point 1, and 141, point 3, of the law.
2. The ministry responsible for public order and safety is in charge of issuing instructions pursuant to articles 9, point 3, within 3 months from the entry into force of this law; 15, point 3; 25, point 5; 34, points 3 and 4; 36, point 3; 54, point 3; 72, point 4; 99, point 9; 102, point 7; 105, point 4; 109, point 4; 122, point 5, and 123, point 2, of the law.
3. The ministry responsible for public order and safety is charged to issue orders pursuant to articles 81, point 5 within 3 months from the entry into force of this law; 86, point 2; 111, points and 4; 113, point 4, and 138, point 4, of the law.
4. The ministry responsible for foreign affairs, the ministry responsible for public order and security and the State Intelligence Service are in charge of issuing joint instructions within 3 months from the entry into force of this law pursuant to articles 22, point 5; 24, point 2; 25, point 6; 28, point 2; 29, point 3; 33, point 3, and 104, point 4, of the law.
5. The ministry responsible for foreign affairs, the ministry responsible for public order and safety and the ministry responsible for the economy are in charge of issuing a joint instruction within 3 months from the entry into force of this law pursuant to article 18, point 4, of the law.
6. The ministry responsible for foreign affairs, the ministry responsible for public order and safety and the ministry responsible for economy are in charge of issuing a joint order within 3 months from the entry into force of this law pursuant to article 137, point 2, of the law.

7. The ministry responsible for foreign affairs and the ministry responsible for public order and security are charged to issue a joint instruction pursuant to articles 17, points 4 and 5 within 3 months from the entry into force of this law; 26, point 3; 29, point 7, and 124, point 3, of the law.
8. The ministry responsible for migration and labor issues is charged that within 3 months from the entry into force of this law to issue the instruction pursuant to article 78, point 7, of the law.
9. The ministry responsible for economy and the ministry responsible for public order and security are charged to issue a joint instruction within 3 months from the entry into force of this law pursuant to articles 69, point 6 and 74, point 15, of the law.
10. The ministry responsible for foreign affairs and the ministry responsible for public order and security are in charge of issuing the order within 3 months from the entry into force of this law pursuant to article 69, point 2, of the law.
11. The ministry responsible for the economy is charged that within 3 months from the entry into force of this law to issue the order pursuant to articles 67, point 3, and 69, point 2, of the law.

#### **Article 147**

##### **Repeal**

1. Law no. 108/2013 "On foreigners", as amended, is repealed with the entry into force of this law.
2. Bylaws, which do not conflict with the provisions of this law shall be implemented until the adoption of bylaws for this law.

#### **Article 148**

##### **Entry into force**

This law shall enter into force 15 days upon its publication in the Official Journal.