

LAW
No. 10/ 2021

ON ASYLUM IN THE REPUBLIC OF ALBANIA¹

Pursuant to Article 78 and Article 83(1) of the Constitution and having regard to the proposal of the Council of Ministers,

THE ASSEMBLY OF THE REPUBLIC OF ALBANIA

DECIDED:

CHAPTER I
GENERAL PROVISIONS

Article 1
Purpose of the Law

The purpose of this Law is to lay down the conditions and procedures related to:

- a) granting of refugee status;
- b) subsidiary protection and temporary protection in the Republic of Albania;
- c) loss, cessation or revocation of international protection;
- ç) rights and obligations of refugees, applicants for international protection, and persons under temporary and subsidiary protection;
- d) the content of refugee status and subsidiary protection;
- dh) the right to family reunification;

¹ This Draft Law has been partially approximated with:

- Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof, CELEX 32001L005, Official Journal L 212, 07/08/2001, pp. 0012 – 0023.
- Council Directive 2003/86/features of 22 September 2003 on the right to family reunification, CELEX 32003L0086, Official Journal L 251, 03/10/2003, pp. 0012 – 0018.
- Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted, CELEX 32011L0095, OJ L 337, 20.12.2011, pp. 9–26.
- Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection, CELEX 32013L0032, OJ L 180, 29.6.2013, pp. 60–95.
- Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 on laying down standards for the reception of applicants for international protection, CELEX 32013L0033, OJ L 180, 29.6.2013, pp. 96–116.

- e) setting out the conditions for the integration of refugees and of persons under subsidiary protection in the Republic of Albania.

Article 2 Scope

This Law applies to all foreign nationals and stateless persons who have stated their intention to submit applications for international protection in the territory of the Republic of Albania, during the time they are permitted to remain in the territory of the Republic of Albania as applicants for international protection, as well as to their family members.

Article 3 Definitions

For the purposes of this Law, the following terms shall have the following meanings:

1. **“Asylum”** is the form of international protection that the Republic of Albania grants to refugees and persons under subsidiary protection;
2. **“Authority responsible for asylum and refugees”** is the structure at the respective ministry in charge of asylum and refugee matters;
3. **“Family members”** are relatives of the applicant, refugee, or person under subsidiary protection, in accordance with the definition laid down in the Law on Foreigners;
4. **“Family reunification”** means the entry and stay in the territory of the Republic of Albania of members of the family of a foreign national who is lawfully residing in that state, in order to preserve the family unit, whether the family relationship arose before or after the resident person’s entry;
5. **“Minor”** means a person below the age of 18 years. Where the exact age of the person cannot be determined, but there are grounds to believe that the person is a minor, he is considered a minor in the meaning of this Law until his age is determined in accordance with the legislation in force;
6. **“Unaccompanied minor”** means a minor or a stateless person, below the age of 18 years, who arrives on the territory of the Republic of Albania unaccompanied by an adult responsible for him or her whether by law or by tradition, or is left unaccompanied after having entered the territory of the Republic of Albania, and for as long as he or she is not effectively taken into the care of such a person;
7. **“Mass influx”** is the entry into the Republic of Albania of a large mass of displaced persons, who come from a specific country or geographical area, whether their arrival was spontaneous or aided by an evacuation programme;
8. **“Applicant”** means any foreign national or stateless person who has made an application for international protection in respect of which a final decision has not yet been taken;
9. **“Application for international protection”** means a request made by a foreign national or a stateless person for protection, who seeks or is understood to seek refugee status or subsidiary

protection status, and who does not explicitly request another kind of protection, outside the scope of this Law, that can be applied for separately;

10. “**Subsequent application**” means a new application for international protection made by the foreign national following a final decision on a previous application, including cases where the applicant has clearly withdrawn his or her application, or where the authority responsible for asylum and refugees has rejected it on account of its withdrawal;
11. “**Geneva Convention**” means the Convention relating to the Status of Refugees done at Geneva on 28 July 1951, as amended by the New York Protocol of 31 January 1967, as ratified;
12. “**Legal guardian**” means a person appointed by a court of law to an unaccompanied child applicant, to act on behalf of the latter for the entire duration of the international protection status determination procedure or only for a particular procedural step, with the exception where the law requires the applicant to attend such procedural step in person;
13. “**Material reception conditions**” means reception conditions that include: housing, food and clothing provided in kind, or as financial allowances, and a daily expenses allowance;
14. “**Residence permit**” means a document issued by the relevant authorities of the Republic of Albania, pursuant to the Law on Foreigners, allowing the applicant, refugee or person under subsidiary protection to lawfully reside in the Republic of Albania;
15. “**Non-refoulement**” is the obligation to prohibit the expulsion or return of a foreign national or a stateless person in any manner whatsoever to the frontiers of territories where his life or freedom would be under threat on account of their race, religion, nationality, membership of a particular social group or political opinion;
16. “**Ministry**” means the ministry in charge of asylum and refugee matters;
17. “**Minister**” means the minister in charge of asylum and refugee matters;
18. “**International protection**” includes refugee status and subsidiary protection status;
19. “**Subsidiary protection**” is a form of protection provided to a foreign national or a stateless person who does not qualify as a refugee, but in respect of whom reasonable and substantial grounds have been shown to believe that the person concerned, if returned to his or her country of origin, or in the case of a stateless person, to his or her country of former habitual residence, would face a real risk of suffering serious harm and who is unable, or, owing to such risk, unwilling to avail himself or herself of the protection of that country.
20. “**Temporary protection**” is a specific protection procedure providing immediate and temporary protection in the event of a mass influx of displaced persons, who are unable to return to their country of origin, in particular if there is a risk that the asylum system will be unable to process this influx without adverse effects for its efficient operation, in the interest of the persons concerned;
21. “**Detention**” means the confinement of an applicant within a particular place, where the applicant is deprived of his freedom of movement.
22. “**Displaced persons**” means foreign nationals or stateless persons who have left their country of origin or have been evacuated in response to an appeal by an international organization and are unable to return to safe and durable conditions because of the prevailing situation in that country, which is within the scope of Article 1(A) of the Geneva Convention or other international or national instruments giving international protection, in particular:

- a. persons who have fled areas of armed conflict or endemic (regional) violence;
 - b. persons at serious risk of, or who have been victims of systematic violations of human rights and fundamental freedoms.
23. “**Beneficiary of international protection**” means a person who has been granted refugee status or subsidiary protection status;
 24. “**Stateless person**” means a person who is not a national of any state due to the lack of a durable legal connection between him and a state.
 25. “**Persons belonging to a special category**” means minors, unaccompanied minors, persons with disabilities, elderly persons, pregnant women, single parents with minor children, victims of trafficking in human beings, victims of genital mutilation, LGBTI persons, persons with serious health conditions, persons with mental health problems/disorders, or persons who have been subjected to torture, rape or some other form of psychological, physical or sexual violence;
 26. “**Authorised representative**” means a representative acting on behalf of the applicant for the entire duration of the international protection status determination procedure or only for a particular procedural step, with the exception where the law requires the applicant to attend such procedural step in person;
 27. “**Asylum Reception Centre**” means the place used for the reception and collective accommodation of applicants for international protection;
 28. “**Refugee**” means a person who, owing to a well-founded fear of persecution for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality or outside of the country of former habitual residence and is unable or unwilling to avail himself or herself of the protection of that country or to return to it as a result of such circumstances, in accordance with the requirements of Article 1(A) of the Geneva Convention;
 29. “**Refugee status**” means the recognition by the Republic of Albania of a foreign national or a stateless person as a refugee;
 30. “**Subsidiary protection status**” means the recognition by the Republic of Albania of a foreign person or a stateless person as eligible for subsidiary protection;
 31. “**Foreign national**” means a person who is not a national of the Republic of Albania and holds a foreign nationality;
 32. “**State or country of origin**” means the applicant’s state of nationality, or, for stateless persons, the country of their former habitual residence;
 33. “**UNHCR**” means the United Nations High Commissioner for Refugees, hereinafter UNHCR;
 34. “**Final decision**” means a decision issued by the authority responsible for asylum and refugees to grant or reject refugee or international protection status; or a decision of the National Commission on Asylum and Refugees, in cases where the right to appeal has been exercised against a decision of the authority responsible for asylum and refugees; or a decision of the competent court, where the right to appeal has been exercised against a decision of the National Commission on Asylum and Refugees.

Relevant Authorities

1. Pursuant to the Law on Foreigners, the structure responsible for borders and migration shall be the responsible authority for dealing with persons seeking international protection and providing them with a residence permit, at the border and inside the territory.
2. The relevant structure at the ministry in charge of asylum and refugee matters shall be responsible for dealing with, examining, and issuing the final decision on applications for international protection.
3. The National Commission on Asylum and Refugees is the superior administrative body that shall examine the administrative appeals filed against a decision of the authority responsible for asylum and refugees.
4. The authority responsible for employment and skills shall be responsible for issuing work permits and dealing with work relations matters of persons seeking international protection in accordance with this Law.
5. The ministry in charge of social protection and health shall be responsible for the health treatment and social care of persons seeking international protection in accordance with this Law.
6. The ministry in charge of education shall be responsible for providing education to persons seeking international protection in accordance with this Law.
7. The responsible authorities referred to in this Article shall exercise their powers and responsibilities in accordance with their area of governmental responsibility as soon as the relevant forms are filled out at the border or inside the territory of the country.

Article 5

Right to Asylum

The Republic of Albania shall guarantee the right to asylum to foreign nationals or stateless persons, who find themselves outside their country of nationality or their habitual place of residence and are unable or unwilling to ask for protection in that country on account of their well-founded fear of persecution for reasons of race, religious belief, nationality, membership of a particular social group, or political convictions.

Article 6

Role of the UNHCR

1. The authorities referred to Article 4(1) and (2) of this Law, shall cooperate with the UNHCR throughout the procedure for the examination of the application for international protection, until the issuance of the final decision by the authority responsible for asylum and refugees.
2. The authority responsible for asylum and refugees shall send the UNHCR the list of applications for international protection examined by this authority and any complaints submitted, as well as any other information that is requested with a view to ensuring cooperation between national authorities and the UNHCR in accordance with Article 35 of the Geneva Convention.
3. The authority responsible for asylum and refugees may ask the UNHCR for opinions or

recommendations of a general nature, as well as recommendations on specific cases, or during mass influxes.

4. The relevant authorities shall allow the UNHCR, upon its request, to:

- a) establish contact with applicants, including those in detention, at the border and in transit zones;
- b) have access to information on individual applications, on the progress of the procedures and decisions taken upon their conclusion, with the prior consent of the applicant;
- c) present its views to authorities responsible for dealing with and examining applications for international protection, at any stage of the procedure as provided for in this Law.

5. The exchange of information and modalities of cooperation between the authority responsible for asylum and refugees and the UNHCR shall be set out in an agreement between the ministry in charge of asylum and refugee matters and the UNCHR.

Article 7

First Country of Asylum

1. A country can be considered the first country of asylum for a particular applicant, if:
 - a) the applicant has been recognised as a refugee in that country and can still benefit from the protection of that country; or
 - b) the applicant enjoys sufficient protection in that country, including benefiting from the principle of *non-refoulement*.
2. The applicant shall be allowed to challenge the application of the first country of asylum concept to his or her particular circumstances.

Article 8

Safe Third Country

1. A safe third country is a country in which the applicant resided prior to reaching the Republic of Albania and in which he is presumed to return safely, where the authorities referred to in Article 4(1) and (2) of this Law are satisfied that the person seeking international protection will be treated in accordance with the following principles in the third country concerned:

- a) there is no threat to their life and liberty on account of race, religion, nationality, membership of a particular social group or political stance;
- b) there is no risk of serious harm;
- c) the principle of *non-refoulement* in accordance with the Geneva Convention is respected;
- ç) the prohibition of removal, in violation of the right to freedom from torture and cruel, inhuman or degrading treatment as laid down in international law, is respected; and
- d) the possibility exists to request refugee status and, if found to be a refugee, to receive protection in accordance with the Geneva Convention.

2., The concept of the safe third country shall apply to each application separately, where the principles set out in paragraph 1 of this Article are met and where there is a connection between the applicant and the third country concerned on the basis of which it would be reasonable for that

person to seek international protection;

3. The concept of safe third country pursuant to paragraph 1 of this Article shall not apply if the spouse, children or parents of the applicant reside legally in the Republic of Albania.

4. The authority responsible for asylum and refugees shall provide the applicant, whose application is considered inadmissible pursuant to this Law, with a document informing the responsible authorities of that country that the application has not been examined in the Republic of Albania. The template for this document shall be determined by an order of the Minister.

5. In the event the safe third country does not readmit the applicant, he or she shall be given access to asylum procedures in the Republic of Albania.

Article 9

Safe Country of Origin

1. Following the individual examination of a particular applicant's application, a third country shall be considered a safe country of origin if:

- a) the applicant has the nationality of that country;
- b) the applicant is a stateless person and was formerly habitually resident in that country;
- c) has not submitted sufficient information for regarding the relevant country an unsafe country of origin in their particular personal circumstances, to be afforded international protection in accordance with this Law.

2. While assessing whether a country is regarded a safe country of origin, the competent authorities shall ensure that the applicant is guaranteed protection against persecution and serious harm by means of:

- a) the legislation in force and the manner of its application;
 - b) respect for the rights and freedoms laid down in international conventions;
 - c) respect for the *non-refoulement* principle;
 - ç) existence of a legal system of protection against violations of those rights and freedoms.
3. The authority responsible for asylum and refugees shall inform the applicant, in a timely manner, on the application of the safe country of origin concept, to allow for their right to challenge the application of the safe country of origin concept in the context of the nature and his personal circumstances, to obtain international protection in accordance with this Law.

Article 10

Designation of Third Countries as Safe Third Countries

1. The list of third countries considered to be safe third countries shall be approved by a decision of the Council of Ministers and published in the Official Journal.

2. The Council of Ministers shall regularly review the situation in relation to the countries designated as safe third countries and shall update the approved list accordingly.

3. The assessment whether a country is a safe third country pursuant to this Article shall be based on other sources of information, including in particular, information from EU Member States, EASO (European Asylum Support Office), the UNHCR, the Council of Europe and other

international organizations.

CHAPTER II

GENERAL PRINCIPLES AND GUARANTEES

Article 11

The Principle of *Non-Refoulement*

1. An applicant, refugee, or a person with subsidiary protection and temporary protection status shall not be expelled from the territory of the Republic of Albania:
 - a) to a country where their life or liberty is threatened on grounds of their race, religious belief, nationality, membership of a certain social group or political convictions.
 - b) to a country where there are grounds to believe that the applicant may be at risk of being subjected to torture, inhuman and degrading punishment or any other treatment set out in the European Convention for the Protection of Human Rights and Fundamental Freedoms, as interpreted by the European Court, or in international agreements/conventions in which the Republic of Albania is a party.
 - c) a country where there are grounds to believe that the applicant may be at risk of being subjected to forced disappearance;
 - ç) to his or her country of origin if the foreigner has been granted one of the forms of protection in accordance with the provisions of this Law;
 - d) to a third country, which may return or send the person to one of the countries defined in paragraphs (a), (b), and (c) herein.
2. A foreigner whose application has been rejected by the authority responsible for asylum and refugees shall not be expelled or removed from the territory of the Republic of Albania before exercising or being provided with legal opportunities to avail himself or herself of the procedural rights and guarantees laid down in this Law, except in cases where this Law provides otherwise.
3. By way of derogation, the applicant may be returned when:
 - a) there are reasonable grounds to consider that the applicant poses a risk to the national security of the Republic of Albania;
 - b) the applicant has been convicted by a final judgment, in particular for a crime which constitutes a danger to the security of the Republic of Albania.

Article 12

Persecution

1. In order for an act to be considered persecution in the meaning of Article 1(A) of the Geneva Convention, it must:
 - a) be sufficiently serious in nature or committed more than once, or constitute a severe violation of fundamental human rights, in particular the rights from which no derogation

- can be made under Article 15(2) of the European Convention for the Protection of Human Rights and Fundamental Freedoms; or
- b) be an accumulation of various measures, including the violation of human rights, which is sufficiently severe for an individual, in a manner similar to the provision made under “a” in this paragraph.
2. An act of persecution pursuant to paragraph 1 of this Article, *inter alia*, takes the form of:
- a) acts of physical or psychological violence, including acts of sexual violence
 - b) legal, administrative, police and/or judicial acts that are discriminatory or have been applied in a discriminatory manner
 - c) criminal prosecution or punishment that is disproportionate or discriminatory;
 - ç) denial of the right to seek judicial review, resulting in a disproportionate or discriminatory punishment;
 - d) criminal prosecution or criminal conviction for refusing to perform military service in a conflict, where the military service includes crimes or acts falling within the scope of exclusion from the right to international protection, in accordance with this Law.
 - dh) be an act that relates specifically to gender-based violence or violence against minors.
3. In accordance with the definition of the refugee, there must be a connection between the act of persecution and the reasons for such persecution, in the event of a failure to guarantee protection against such acts.

Article 13

Assessment of Grounds for Persecution

1. When assessing the grounds for persecution, the following elements shall be taken into account:
- a) the concept of race shall, in particular, include considerations of colour, descent, or membership of a particular ethnic group;
 - b) the concept of belief shall in particular include the holding of theistic, non-theistic and atheistic beliefs, the participation in, or abstention from, formal worship in private or in public, either alone or in community with others, other acts of faith or expressions of views of a religious nature, or forms of personal or communal conduct based on or influenced by any religious belief;
 - c) nationality, which shall not mean citizenship or lack thereof but shall, in particular, include membership of a group determined by its cultural, ethnic, or linguistic identity, common geographical or political origins or its relationship with the population of another state;
 - ç) a group shall be considered a particular social group, where, in particular:
 - i. the members of that group share an innate characteristic, or a common cultural background that cannot be changed, or share a characteristic or belief that is so fundamental to identity or conscience that a person should not be forced to renounce it;
 - ii. the group has a distinct identity in the relevant country, because it is perceived as being different by the surrounding society;

- d) political conviction shall, in particular, include the holding of an opinion, thought or belief on a matter related to the potential actors of persecution mentioned in Article 15 and to their policies or methods, whether or not that opinion, thought or belief has affected the applicant.
2. When assessing if an applicant has a well-founded fear of being persecuted it is immaterial whether the applicant actually possesses the racial, religious, national, social or political characteristic which attracts the persecution, provided that such a characteristic is attributed to the applicant by the actor of persecution.

Article 14

Serious Harm

For the purposes of granting the status of subsidiary protection, serious harm means:

- a) the death penalty or execution;
- b) torture or inhuman or degrading treatment and forced disappearance of the applicant in the country of origin;
- c) a serious and personal threat to a person's life by reason of indiscriminate violence in situations of international or internal armed conflict.

Article 15

Actors of Persecution or Serious Harm

Actors of persecution or serious harm include:

- a) the State;
- b) parties or organisations controlling the State or a substantial part of the territory of the State;
- c) non-State actors, if it can be demonstrated that the actors mentioned in a) and b) of this Article, including international organisations, are unable or unwilling to provide protection against persecution or serious harm.

Article 16

Actors of Protection

1. Protection against persecution or serious harm can only be provided by:
- a) the State;
 - b) parties or organisations, including international organisations, controlling the State or a substantial part of the territory of the State, provided they are willing and able to offer protection in accordance with paragraph 2.
2. Protection against persecution or serious harm must be effective and of a non-temporary nature. Such protection is generally provided when the actors mentioned under points a) and b) of paragraph 1 of this Article take reasonable steps to prevent the persecution or suffering of serious harm, inter alia, by operating an effective legal system for the detection, prosecution and

punishment of acts constituting persecution or serious harm, and when the applicant has access to such protection.

Article 17

International Protection Arising Sur Place

1. A foreign national in the territory of the Republic of Albania may be granted international protection in accordance with Articles 18 and 20 of this Law, based on a well-founded fear of being persecuted or a real risk of serious harm based on events which have taken place since the applicant left the country of origin.
2. A well-founded fear of being persecuted or a real risk of suffering serious harm may be based on activities which the applicant has engaged in since he or she left the country of origin, in particular where it is established that the activities relied upon constitute the expression and continuation of convictions or orientations held in the country of origin.

Article 18

Recognition of Refugee Status

The refugee status is recognised to a foreign national or a stateless person at his/her request for international protection in the Republic of Albania and when the applicant meets the criteria set out in this Law.

Article 19

Exclusion from Refugee Status

1. A foreign national or a stateless person is excluded from being eligible for the refugee status where there are serious reasons for considering that:
 - a) he or she has committed a crime against peace, a war crime, or a crime against humanity, a terrorist act, as defined in international conventions;
 - b) he or she constitutes a threat to the public order and security in the Republic of Albania due to having committed a serious non-political crime outside the territory of Republic of Albania prior to his or her entry in the Republic of Albania;
 - c) he or she has been found guilty of acts contrary to the purposes and principles of the United Nations.
2. Paragraph 1 of this Article also applies to persons who incite or otherwise participate in the commission of the crimes or acts mentioned herein.
3. Refugee status shall not be granted to those persons who enjoy the protection or assistance of United Nations bodies, with the exception of cases when such protection is provided by the UNHCR.
4. Where such protection or assistance, pursuant to paragraph 3 of this Article, has ceased for whatever reason, the foreign national shall be eligible for international protection if he or she fulfils the criteria set out in this Law.

5. Refugee status shall not be granted to a foreign national whose rights and obligations are equal to those of nationals of the Republic of Albania, except for cases when the rights and obligations are specifically related to Albanian citizenship.

Article 20

Recognition of Subsidiary Protection Status

The subsidiary protection status shall be granted to a foreign national or stateless person who does not fulfil the eligibility criteria for the refugee status but is guaranteed the right of asylum in order to remain within the territory of the Republic of Albania, in circumstances where they face a real risk of serious harm, in accordance with the provisions of Article 14 of this Law.

Article 21

Exclusion from Subsidiary Protection Status

1. A foreign national or a stateless person is excluded from being eligible for subsidiary protection status where there are serious reasons for considering that he or she:
 - a) has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments in respect of such crimes;
 - b) has committed serious non-political crimes;
 - c) has been found guilty of acts contrary to the purposes and principles of the United Nations as set out in the Preamble and Articles 1 and 2 of the Charter of the United Nations;
 - ç) constitutes a danger to the public order and security in the Republic of Albania.
2. Paragraph 1 also applies to persons who incite or otherwise participate in the commission of the crimes or acts set out in paragraph 1(a), (b) and (c) of this Article,
3. A foreign national or a stateless person may be excluded from being granted subsidiary protection status if he or she, prior to his or her entry into the territory of the Republic of Albania, has committed one or more crimes outside the scope of paragraph 1 of this Article, which would be punishable by imprisonment had they been committed in the Republic of Albania, and if the foreign national left his or her country of origin solely in order to avoid punishments resulting from those crimes.

Article 22

Legal Aid

1. Applicants for international protection shall be guaranteed legal assistance and information regarding the eligibility criteria for international protection and relevant procedures, as well as the right to free legal aid in accordance with the relevant legislation in force.
2. The applicant shall have the right to contact persons who provide legal advice and UNHCR representatives at any stage of the procedure.

Article 23

Language of the Procedure and Right to an Interpreter

1. In cases where the applicant does not understand the language in which the procedure is being conducted, interpretation services shall be provided in the language of the country of origin or in a language that he or she understands.
2. The interpreter shall be bound to treat the data to which he or she is exposed during the procedure as confidential and shall be obliged to keep professional secrecy.
3. Upon a justified request and where possible, the applicant shall be provided an interpreter of the same gender.
4. The applicant shall have the right to engage an interpreter of his/her choice, on the condition that the latter is not himself or herself an applicant.

Article 24

Bests Interest of the Child

The best interest of the child shall prevail when implementing this Law, in accordance with the UN Convention on the Rights of the Child.

Article 25

Information and Advice at Border Crossing Points and Institutions for the Execution of Criminal Sentences in Relation to Applications for International Protection

1. Where there are indications that foreign nationals or stateless persons held in institutions for the execution of criminal sentences or who present themselves at border crossing points, including transit zones at the borders of the Republic of Albania, may wish to make an application for international protection, competent authorities shall provide them with information on the possibility to do so. At such facilities and border crossing points, the competent state authority shall make arrangements for interpretation, as necessary, in order to facilitate access to the procedure for determining the protection status.
2. The competent State authorities shall ensure that organisations and persons providing advice and counselling to applicants have effective access to them at border crossing points, including transit zones at the borders. The Ministry shall set out the rules on the presence of such organisations and persons at border crossing points, in particular where access is subject to an agreement with the competent authorities. Restrictions to such access may be imposed only where, pursuant to relevant legislation, they are objectively necessary for the security, public order or administrative management of the crossing points concerned, provided that access is not thereby severely restricted or rendered impossible.

CHAPTER III

PROCEDURE FOR THE EXAMINATION OF APPLICATIONS FOR INTERNATIONAL

PROTECTION

Article 26

Registration of Application for International Protection

1. A foreign national or stateless person may express his or her intent to seek international protection either orally or in writing, at the moment of entry into the territory of the Republic of Albania at a border crossing point, a State Police station, or before the authority in charge of border and migration matters.
2. The foreign national or stateless person who has expressed his or her intent to seek international protection shall be registered with the authority in charge of border and migration matters, which shall then refer the case within 72 hours to the authority responsible for asylum and refugees.
3. Registration pursuant to paragraph 2 shall serve as proof that the foreign national or stateless person is an applicant for international protection and shall therefore be permitted to stay in the territory of the Republic of Albania solely for the purposes of the procedure until a final decision is issued.
4. The authority responsible for asylum and refugees shall ensure that a foreign national who has expressed his or her intent in accordance with paragraph 1 of this Article has an effective opportunity to proceed with the procedures for international protection as soon as possible. An application shall not be rejected solely on the grounds that it was been lodged at the earliest opportunity.
5. Where the foreign national or the stateless person lodges an application to the competent authorities dealing with applications for international protection, the registration shall take place no later than 3 (three) days after the lodging of the application.
6. Where numerous applications for international protection submitted by a large number of foreign nationals or stateless persons make it difficult in practice to respect the time limits in paragraph 5, the time limit for registration may be extended to 10 working days.
7. At the moment of lodging the application, the applicant shall fill in the form, provide dactyloscopic prints, a photograph, and other evidence in relation to the application for international protection. The authority in charge for border and migration matters shall ensure that such data are entered in the electronic register.
8. The procedure and rules for transmitting the case from the authority in charge of border and migration issues to the authority responsible for asylum and refugees shall be laid down in an order by the Minister.

Article 27

Submission of the Application for International Protection

1. The application for international protection shall be lodged in writing. If the applicant does not understand the language in which the procedure is conducted, he or she shall be provided an interpreter in a language that he or she understands. In addition to the applicant's identity, the application shall also include the reasons why the applicant is seeking protection in the territory of

the Republic of Albania.

2. Within 15 days from the lodging of the application for international protection, the applicant shall be provided with information in a language that he or she understands or is reasonably supposed to understand, on the protection status determination procedure, on the rights and obligations in the course of the procedure, reception conditions, the right to contact a representative of the UNHCR at any stage of the procedure, potential consequences in the event of failure to comply with obligations or failure to cooperate with the competent authorities, as well as the right to legal aid. The information shall be provided orally and, where necessary, also in writing.

3. At the time of filling the form in respect of international protection status determination, the authority responsible for asylum and refugees shall inform the applicant, and with his or her consent, facilitates contact with an expert on asylum issues, for the provision of free legal services.

4. Applicants shall be given the opportunity to choose a representative, at their own cost, to assist and represent them during the international protection status determination procedure.

5. The authorised representative shall have the right to be informed about the content of the applicant's file, to the extent that it is relevant to the examination of the application for international protection. Representatives of the applicant for international protection may be denied access to the applicant's file where disclosure of information or sources would jeopardize national security, the security of the organizations or persons providing the information, the security of the persons to whom the information refers, where the interests of the investigation related to the examination of the application by the authority responsible for asylum and refugees are adversely affected, or the international relations of the Republic of Albania are jeopardized.

5. By way of derogation, a legal representative may be allowed access to such information or sources as are laid down in paragraph 6 of this Article, if he or she has security clearance to access classified information, if the information is relevant to the examination of the application or a decision on removing international protection.

6. Until such time as a final decision or a final court judgment is issued, the applicant is allowed to stay in the territory of the Republic of Albania and may not apply for a residence permit based on any other grounds, in accordance with the Law on Foreigners.

Article 28

Time Limit for the Examination of Applications for International Protection

1. As a rule, the procedure for determining international protection status by the authority responsible for asylum and refugees shall conclude within six months from the date of lodging of the application.

2. The time limit set out in paragraph 1 of this Article, may be extended for an additional three-month period, where:

- a) complex issues of fact and/or law are involved;
- b) a large number of foreign nationals or stateless persons apply for international protection at the same time, making it difficult in practice to conclude the procedure within the six-month time limit;

3. The authority responsible for asylum and refugees may extend the deadline for concluding the

examination procedure where a decision cannot be made within the time limits laid down in paragraphs 1 and 2 herein, due to an unclear situation in the country of origin which is expected to be temporary. In such a case, the authority responsible for asylum and refugees shall:

- a) review the situation in the country of origin every 6 (six) months;
- b) inform the applicants concerned of the reasons for the extension of the deadline and the time within which a decision is expected to be taken with regard to their application;

4. In any event, the authority responsible for asylum and refugees shall conclude the examination procedure within a maximum time limit of 21 months from the lodging of the application.

Article 29

Participation in the Procedure

1. The procedure for the examination of the application for international protection may only be attended by the following persons:

- a) an authorized representative;
- b) the legal guardian of an unaccompanied minor or an adult with disabilities;
- c) the interpreter;
- ç) a child protection worker from the municipality or administrative unit, where no guardian has been appointed to the unaccompanied minor;
- d) a UNHCR representative, with the consent of the applicant.

2. Where the authority responsible for asylum and refugees deems it necessary, a psychologist may also attend the procedure for the examination of the application for international protection in the case of an unaccompanied minor or another person belonging to a special category in accordance with this Law.

Article 30

Personal Interview

1. The authority responsible for asylum and refugees shall start the applicant's interview procedure as soon as possible from the time their lodging the application.

2. The applicant's personal interview shall not be public and his or her confidentiality shall be guaranteed .

3. The applicant is interviewed individually, not in the presence of family members, unless the responsible authority at the ministry in charge of asylum and refugee matters considers his or her presence necessary for the appropriate examination of the application.

4. The authority responsible for asylum and refugees may audio- or video-record the personal interview, where it deems it reasonable, provided that the applicant is informed in advance thereof. This structure shall ensure the applicant is fully informed of the content of the transcribed report, with the assistance of an interpreter, and that the applicant is guaranteed the right to make comments or provide clarifications with respect to any misunderstandings therein at the end of the personal interview, or within a reasonable time limit before the authority responsible for asylum and refugees issues the decision. Where the transcribed report has been recorded in accordance

with this paragraph, it may be used as evidence in appeal procedures.

5. In any case, the authority responsible for asylum and refugees keeps the minute of the personal interview with the applicant, which the applicant signs to confirm the truth of its contents, after it is communicated to the applicant in a language that he or she understands.

6. If an applicant refuses to sign the report of the personal interview, the reasons for his or her refusal shall be entered on the applicant's file. Such refusal shall not prevent the authority responsible for asylum and refugees from making a decision on the application.

7. The authority responsible for asylum and refugees shall ensure that personal interviews are conducted under conditions which allow applicants to present the grounds for their applications in a comprehensive manner. To that end, the authority responsible for asylum and refugees shall ensure that:

- a) the person conducting the interview is competent to take account of the personal and general circumstances surrounding the application, including the applicant's cultural origin, gender, sexual orientation, gender identity or vulnerability;
- b) wherever possible and if the applicant so requests, the interview with the applicant is conducted by a person of the same sex as the applicant, unless the authority responsible for asylum and refugees has reason to believe that the basis for such request is unrelated to any difficulties on the part of the applicant in presenting the reasons for his or her application in a comprehensive manner;
- c) an interpreter is selected who is able to ensure appropriate communication between the applicant and the person conducting the interview. The communication shall take place in the language selected by the applicant. Wherever possible, the authority responsible for asylum and refugees shall provide an interpreter of the same sex if the applicant so requests, unless it has reason to believe that the basis for such request is unrelated to any difficulties on the part of the applicant in presenting the grounds of his or her application in a comprehensive manner;
- ç) the person conducting the interview does not wear a military or law enforcement uniform;
- d) interviews with minors are conducted in a child-appropriate manner.

8. The Authority Responsible for Asylum and Refugees shall assess the cases where the applicant is unfit or unable to be interviewed owing to circumstances of instability beyond his or her control. When in doubt, the authority responsible for asylum and refugees shall consult the staff of the centre where the applicant is accommodated to ask for a specialised and certified opinion by competent medical authorities to establish whether the condition that makes the applicant unfit or unable to be interviewed is of a temporary or enduring nature. The absence of a personal interview shall not adversely affect the decision of authority responsible for asylum and refugees.

9. Where, in the course of the interview, the authority responsible for asylum and refugees becomes aware of contradicting evidence or where it deems that it is necessary to conduct a comprehensive examination of the circumstances on the basis of which the applicant has lodged an application for international protection, the responsible authority may decide to conduct subsequent interviews with the applicant.

10. Where a person has lodged an application for international protection on behalf of adult members of his family, each adult member shall be given the opportunity of a personal interview.

Article 31

Examination of Applications for International Protection

1. The procedure for the examination of the application for international protection starts at the moment the form for international protection status determination at the authority responsible for asylum and refugees by the applicant.
2. In examining the application, the authority responsible for asylum and refugees shall assess whether the applicant meets the criteria for refugee or subsidiary protection status and enable the applicant to present, explain and substantiate all the facts and circumstances related to his or her application, as well as all the necessary documents in relation to international protection status determination.
3. It is the duty of the applicant to submit full documentation as soon as possible, as well as provide information regarding their age, family relations, identity, nationality, countries and places of previous residence, previous international protection applications, travel routes, travel and identification documents and the reasons for applying.
4. In examining the application, the authority responsible for asylum and refugees shall take into account all the facts and circumstances that contribute to taking a decision, including:
 - a) accurate and up-to-date information from various sources, such as EASO and UNHCR and relevant international human rights organisations, regarding the general situation prevailing in the applicants' countries of origin and, where necessary, in the countries they have transited through;
 - b) statements and documentation submitted by the applicant, including information on whether the applicant has been the subject of persecution or serious harm;
 - c) individual circumstances of the applicant, including factors such as background, gender and age, so as to assess whether the applicant has been persecuted on such grounds;
 - ç) information whether the applicant's activities, due to which the applicant left the country of origin, were engaged in with the sole purpose of creating the conditions for applying for international protection;
5. Where the applicant fails to provide supporting evidence or other documentation to substantiate certain aspects of his or her statements, or where he or she fails to substantiate particular facts and circumstances related to their application, the applicant's statement shall be considered reliable where the following conditions are met:
 - a) the applicant has made a genuine effort to substantiate the application;
 - b) all relevant elements at the applicant's disposal have been submitted, and a satisfactory explanation has been given regarding any lack of other relevant supporting elements;
 - c) the applicant's statements are found to be coherent and plausible and do not run counter to the specific and general information available to the responsible structure at the ministry in charge of asylum and refugee matters in relation to the applicant's case;
 - ç) the applicant has applied for international protection at the earliest possible time, unless the applicant can demonstrate good reason for not having done so and a general credibility of the applicant has been established.

6. The authority responsible for asylum and refugees may take into account additional evidence in its determination in relation to the application for international protection.

Article 32

Termination of the Procedure

1. The authority responsible for asylum and refugees may decide to terminate the procedure for determining the international protection status in the following cases:

- a) the applicant withdraws the application for international protection;
- b) the applicant leaves the last place of stay for more than 3 (three) days without notifying the authority responsible for asylum and refugees, unless the applicant can demonstrate within a reasonable period of time that his or her departure and failure to notify were due to “justifiable causes” or “circumstances outside of his or her control”.
- c) the applicant fails to attend the interview on the interview date communicated to them and has not informed the authority responsible for asylum and refugees for the reasons of their non-attendance within three days;
- ç) the applicant has left the Republic of Albania during the procedure for the examination of their claim without informing the authority responsible for asylum and refugees.

2. The decision to terminate the procedure is an interim decision.

3. The applicant may request the reopening of the international protection status determination procedure. The request for reopening the international protection status determination procedure shall prevent the expulsion of the applicant from the Republic of Albania. A request for reopening the procedure may only be submitted once.

4. Following the termination of the procedure pursuant to paragraph 1 in this Article, the authority responsible for asylum and refugees shall make a decision to discontinue the examination of the application for international protection.

5. The applicant may submit a request for reopening of the procedure no later than nine months from the time of the decision of the authority responsible for asylum and refugees to discontinue the international protection status determination procedure.

6. The procedure and time limits for making the decision to discontinue the examination of an application for international protection shall be set out in an order by the Minister.

Article 33

Decision on International Protection Status Determination

1. At the conclusion of the procedure for the application’s examination, the authority responsible for asylum and refugees shall make a decision whereby it:

- a) grants refugee status;
- b) refuses to grant refugee status and recognizes subsidiary protection status;
- c) rejects the application for international protection;
- ç) terminates the international protection status determination procedure.
- d) discontinues the examination of the application for international protection.

2. The decision pursuant to paragraph 1 of this Article shall be given in writing and shall contain:
 - a) a preamble, which includes:
 - i. the name of the public body issuing the decision;
 - ii. the parties to which the decision is addressed;
 - iii. the date of approval;
 - iv. the legal basis;
 - b) the reasoning;
 - c) the disposition, which contains:
 - i. the order, showing what has been decided;
 - ii. time of entry into force of the decision;
 - iii. the right of appeal, including the public body or the court of law where the appeal can be lodged, the means of recourse, and deadline for submitting the appeal.
3. The decision of the responsible authority at the ministry in charge of asylum and refugee matters shall be made at a special meeting, by a majority of votes. The decision-making procedure shall be subject to the principles and the legislation in force regarding decision making by collegial bodies. The decisions shall be reasoned and set out in writing. Employees of the responsible authority at the ministry in charge of asylum and refugee matters who are in the minority may state their dissenting opinion in writing, which shall be attached to the final decision.
4. A copy of the decision of the responsible authority at the ministry in charge of asylum and refugee matters shall be communicated to the applicant and the UNHCR within five days from the date the decision is taken.

Article 34

Accelerated Procedure

1. The authority responsible for asylum and refugees may decide to apply the accelerated procedure in accordance with the basic principles and guarantees set out in this Law, in the case of:
 - a) a positive decision based on available evidence; or
 - b) a negative decision issued in accordance with articles 35 and 36 of this Law.
2. Where the claim is considered inadmissible or manifestly unfounded, the authority responsible for asylum and refugees shall decide to reject the application within 15 days from its lodging by issuing a reasoned decision,.
3. The applicant may lodge an appeal against this decision to the National Commission on Asylum and Refugees, within 15 (fifteen) days from the notification of the decision. The appeal shall have a suspensive effect on the execution of the decision.
4. The applicant may appeal against the decision of the National Commission on Asylum and Refugees with the competent administrative court, in accordance with the provisions of the relevant legislation in force.
5. The conditions, criteria, and time limits for the accelerated procedure shall be laid down in a decision of the Council of Ministers.

Article 35

Inadmissible Applications

1. An application shall not be examined and shall be considered inadmissible only if:
 - a) a Member State of the European Union has offered international protection to the applicant;
 - b) a country which is not a Member State of the European Union is considered to be the applicant's first country of asylum pursuant to this Law;
 - c) a country which is not a Member State of the European Union is considered to be a safe third country of asylum for the applicant pursuant to this Law;
 - ç) the application is an application *de novo* presenting no new elements or findings regarding the applicant's eligibility for international protection pursuant to this Law.
2. Where the decision is based only on the safe country of origin concept, the authority responsible for asylum and refugees shall make sure that:
 - a) the applicant is informed in a timely manner on the application of the safe country of origin concept, in order to allow him or her to challenge the application of the safe country of origin concept in the context of the nature of his or her personal circumstances;
 - b) the applicant whose application for international protection has been rejected is provided with a document in the language of a safe third country, whereby the relevant authorities of the said country are informed whether the application has been examined on its merits in the Republic of Albania;
 - c) where the third country refuses the applicants entry in its territory, the Authority Responsible for Asylum and Refugees shall provide them access to the procedures set forth in this Law.

Article 36

Manifestly Unfounded Application

1. The authority responsible for asylum and refugees may deem an application is "manifestly unfounded", where the claim made by the applicant bears no relation in any way to the criteria for granting international protection, as set out in the provisions of this Law.
2. The application for international protection shall be considered manifestly unfounded, where the applicant:
 - a) at the moment of submitting his or her application and presenting the respective facts, he or she has only raised issues that are not relevant to the examination of whether he or she is eligible for international protection pursuant to this Law;
 - b) comes from a safe country of origin within the meaning of this Law;
 - c) has misled the authorities by submitting false information or documentation, or by withholding information or documents establishing his or her identity or citizenship, which could have led to a negative decision;
 - ç) has likely deliberately destroyed or disposed of identity or travel documents that would

- have helped establish his or her identity or citizenship;
- d) has made inconsistent and contradictory statements that are clearly false or manifestly improbable and contradict established information about the country of origin, thus leading to unconvincing claims in respect of their eligibility for international protection pursuant to this Law;
 - dh) has submitted another application for international protection that is not admissible in accordance with Article 35 of this Law;
 - e) has submitted an application solely for the purpose of delaying or preventing the enforcement of an earlier decision which would result in his or her removal;
 - ë) has entered the territory of the Republic of Albania unlawfully and did not present himself or herself to the relevant authorities within 10 days from the day of entry, or has unlawfully and without good reason overstayed in the Republic of Albania, or did not submit an application for international protection at the earliest opportunity given the circumstances of his or her entry;
 - f) refuses to have his or her fingerprints taken;
 - g) can be considered, for serious reasons, a danger to the national security or public order of the Republic of Albania.

Article 37

Rejection of the Application

The authority responsible for asylum and refugees shall refuse an application for international protection in the following cases:

- a) the applicant does not fulfil the criteria for being granted refugee and subsidiary protection status, in accordance with the provisions of this Law;
- b) where it deems that the applicant is not entitled to protection pursuant to Articles 12 and 14 of this Law;
- c) the application is inadmissible pursuant to Article 35 of this Law;
- ç) the claim is unfounded pursuant to Article 36 of this Law.

Article 38

Subsequent Application for International Protection

1. A foreign national or a stateless person whose application has been refused by a final decision, may present a subsequent application for international protection in the Republic of Albania.
2. The subsequent application pursuant to paragraph 1 of this Article shall be examined only if the applicant produces new facts and evidence in relation to his or her eligibility for international protection. Where, in the course of the examination, new facts or information are identified that significantly increase the applicant's likelihood of qualifying as a beneficiary of international protection, then subsequent application shall be examined according to the regular procedure set out in Chapter III of this Law.

CHAPTER IV
CESSATION, REVOCATION OR LOSS OF INTERNATIONAL PROTECTION

Article 39

Loss of Refugee Status

1. The foreign national or stateless person shall lose the refugee status if he or she:
 - a) returns voluntarily to the country of nationality;
 - b) has been granted the nationality and enjoys the protection of the country of acquired nationality;
 - c) has been granted new nationality and enjoys the protection of the country of new nationality;
 - ç) voluntarily returns to the country which he or she left or outside of which he or she remains out of fear of persecution;
 - d) can no longer continue to refuse to avail themselves of the protection of the country of nationality because the circumstances on the basis of which the refugee status was granted have ceased to exist;
 - dh) is able to return, as a stateless person, to the country of former habitual residence because the circumstances on the basis of which their refugee status was recognized have ceased to exist;
 - e) has left the territory of the Republic of Albania without notifying the Authority Responsible for Asylum and Refugees.
2. In considering points “d” and “dh” of paragraph 1 of this Article, the authority responsible for asylum and refugees shall take into account whether the change of circumstances is significant and of a non-temporary nature and, consequently, the refugee’s fear of persecution can no longer be considered as founded.
3. Points “d” and “dh” of paragraph 1 of this Article shall not apply to a refugee who can provide compelling reasons arising from previous persecution on the basis of which they refuse to avail themselves of the protection of their country of nationality, or, in the case of a stateless person, of their previous place of residence.

Article 40

Revocation of Refugee Status

1. The authority responsible for asylum and refugees shall revoke the refugee status where the person:
 - a) has lost the refugee status pursuant to Article 39 of this Law;
 - b) has been excluded from the refugee status in accordance with Article 19 of this Law;
 - c) has misrepresented or omitted facts, including by using false documents, which were decisive in the recognition of the refugee status;

ç) there are reasonable suspicions that he or she poses a risk to the national security of the Republic of Albania;

d) has been convicted by a final court judgment for committing a serious crime and poses a danger to public order and security.

2. Before the decision to revoke or refuse the refugee status is made, the authority responsible for asylum and refugees shall inform the beneficiary of international protection in writing of the reasons for reconsidering his or her status and offers them the possibility to present their case in relation to the revocation of the status, orally or in writing. The authority responsible for asylum and refugees shall keep a procès-verbal.

Article 41

Cessation of Subsidiary Protection Status

1. Persons enjoying subsidiary protection shall no longer be considered as such from the moment the circumstances that gave rise to the granting of protection cease to exist, or where the circumstances have changed in such a manner that protection is no longer necessary.

2. Where paragraph 1 of this Article applies, the authority responsible for asylum and refugees shall take into account whether the change of circumstances is significant and of a non-temporary nature and, consequently the person enjoying subsidiary protection no longer faces a real risk of serious harm.

3. Subsidiary protection shall also cease if the person voluntarily withdraws from subsidiary protection or has left the territory of the Republic of Albania without notifying the responsible authority at the ministry in charge of asylum and refugee matters.

4. Paragraph 1 of this Article shall not apply to a person with subsidiary protection status, who is in a position to show compelling reasons arising out of previous persecution, that they are not able to avail themselves of the protection of their own country or, in the case of stateless persons, the country of previous habitual residence.

Article 42

Revocation of Subsidiary Protection Status

1. The authority responsible for asylum and refugees shall revoke the subsidiary protection status where:

a) a person is no longer a beneficiary of subsidiary protection pursuant to Article 20 of this Law;

b) a person has been excluded from the granting of subsidiary protection pursuant to Article 21 of this Law;

c) the person has distorted or omitted facts, including by using false documents, was decisive for granting the subsidiary protection status;

ç) there are reasonable suspicions that he or she poses a danger to the national security of the Republic of Albania;

2. Before the decision to revoke the subsidiary protection status is made, the authority responsible

for asylum and refugees shall inform the beneficiary of the subsidiary protection status in writing of the reasons for reconsidering his or her status and offers them the possibility to present their case in relation to the revocation of the status, orally or in writing. In the case of oral statements, the relevant structure at the ministry in charge of asylum and refugee matters shall keep a procès-verbal.

CHAPTER V
STAY IN THE REPUBLIC OF ALBANIA

Article 43
Admission at the Asylum Reception Centre

1. An applicant who declares the intent to lodge an application for international protection shall be transferred to the Asylum Reception Centre, where the applicant may stay until a final decision is made.
2. The applicant may be accommodated at the Asylum Reception Centre, a place designated by the Ministry, or at another place of his or her choice.
3. The applicant shall be notified immediately, in any case no later than 15 days from the accommodation, about the rights and obligations which he or she should comply with in relation to the reception conditions. He or she shall be provided with information on organisations or persons that offer specialised legal assistance, as well as advice on reception conditions, including healthcare.
4. During the stay at the Centre, the applicant may submit a request to the authority responsible for asylum and refugees to reside outside the centre at their own expense, but first they must provide proof of the new address where they will be staying and their contact number before any such request is approved by the authority responsible for asylum and refugees.
5. Once accommodated at the Centre, the applicant shall undergo necessary medical examinations.

Article 44
The Asylum Reception Centre

1. The Asylum Reception Centre has public legal personality and falls under the administrative jurisdiction of the Minister.
2. The organisation and functioning of the Asylum Reception Centre is regulated by a decision of the Council of Ministers.
3. The Centre shall inform the authority responsible for asylum and refugees on the procedures related to entry, departure, or stay of applicants for international protection, in accordance with Article 43 of this Law.
4. The Centre should ensure minimum living conditions, including:
 - a) accommodation;
 - b) food;

- c) health insurance;
 - ç) minimum hygiene conditions.
5. Educational programmes and free legal counselling are provided in cooperation with other private, public, domestic, or foreign entities and in accordance with the rights of applicants and refugees,

Article 45 **Detention**

1. A foreign national or stateless person, who enters the territory of the Republic of Albania unlawfully may not be prosecuted for illegal border crossing, provided that he or she presents himself or herself to the authorities within ten days from the day of entry into the territory of the Republic of Albania;
2. The applicants who present themselves within the deadline set out in paragraph 1 of this paragraph may be detained only for the following reasons:
 - a) for the purposes of checking their identity;
 - b) if they are not in possession of identification documents;
 - c) if they have been found to possess counterfeit documents, except where they have used such documents to escape the country because of fear and have declared this fact at the border or when applying for international protection.
 - ç) where an international arrest warrant has been issued against them;
 - d) for the purposes of protecting national security and public order.
3. Restrictive measures against an applicant shall be taken pursuant to the rules and procedures set out in the criminal and procedural laws in force.
4. In the event of an applicant's arrest or detention, he or she shall be kept in facilities separate from others, except when such restrictive measures are taken pursuant to paragraph 2(c) of this Article.
5. In accordance with the norms of international law on children rights, applicants who are unaccompanied minors below 18 years of age may not be placed in institutions for the execution of criminal sentences, except in extreme cases. In any other case, appropriate measures suitable for minors shall be taken.

Article 46 **Restriction of Freedom of Movement**

1. The authority responsible for asylum and refugees may decide that the applicant be held at the Centre if this is deemed necessary based on an individual assessment of each case and where the aim of restricting freedom of movement cannot be achieved by other less restrictive or alternative measures, in the following instances:
 - a) for the purposes of establishing or verifying their identity or nationality;
 - b) to establish the facts on which the application for international protection is based and which cannot be obtained without restricting their freedom of movement, in particular

- where there is a risk that the applicant may flee;
- c) where this is necessary for the protection of national security, public order and public health;
 - ç) where the applicant is held for the purposes of the return procedure, in order to prepare their return and/or carry out the departure procedures, and where the competent body can prove on the basis of objective criteria, including the fact that the applicant has already had the opportunity to initiate the international protection procedure, that there are reasonable grounds to believe that the person is submitting an application for international protection solely to delay or prevent the enforcement of the removal decision.
2. An applicant need not ask for permission to report to state authorities or before the court, if their presence there is necessary.

Article 47

Measures for the Restriction of Freedom of Movement

1. Measures for restricting the applicants' freedom of movement pursuant to Article 46, are as follows:
- a) prohibition to leave the Asylum Reception Centre;
 - b) prohibition to go outside the area designated by the competent authority;
 - c) obligation to report to the competent body at the designated time;
 - ç) handing in travel documents to the competent body;
 - d) accommodation at the Closed Centre for Foreigners.
2. In accordance with the provisions of paragraph 1 of this Article, the authority responsible for asylum and refugees shall issue a written decision on:
- a) alternative measures for restricting the applicant's freedom of movement;
 - b) holding the applicant at the Asylum Reception Centre;
 - c) duration of the restriction in relation to the purpose of the decision.
3. In cases where, according to paragraph 1 of this Article, the conditions exist for restricting the applicants' freedom of movement by keeping them at the Asylum Reception Centre, the authority responsible for asylum and refugees may decide to hold the applicants at the Centre for up to eight days and shall notify the applicants of this decision. The applicants may be held at the Centre for longer than eight days only by a decision of the competent administrative court. The application to this court shall be filed by the Ministry.
4. The applicant may file an appeal against the decision of the authority responsible for asylum and refugees with the competent administrative court. The appeal in the court pursuant to this paragraph shall not have a suspensive effect on the enforcement of the decision.
5. Within 72 hours from the date of the submission of the appeal and after having heard the representative of the authority responsible for asylum and refugees which has decided to hold the applicant at the Reception Centre for longer than eight days; after having heard the applicant and his or her representative, where applicable; and after having considered the reasons for the application of restrictive measures and the terms for the prohibition of movement, the first instance administrative court shall:
- a) dismiss the request for holding the applicant for longer than eight days at the Asylum

Reception Centre;

- b) accept the request for holding the applicant at the Asylum Reception Centre, prohibiting him or her from leaving the Centre, by defining at the same time the period for which the applicant is held at the Centre.

6. Applicants who are minors may be kept at the Asylum Reception Centre only as a measure of last resort and only after it has been established that other alternative measures for restricting his or her freedom of movement cannot be applied effectively. Restriction of freedom of movement may be imposed only for the shortest possible period of time and after making sure that all efforts have been made for holding and placing them in appropriate accommodation for minors, when this is deemed to be in the best interest of the child.

Article 48

Medical Examination

1. Where the authority responsible for asylum and refugees deems it important for assessing the application for international protection and with the consent of the applicant, the latter may undergo a medical examination for signs that could prove the persecution or serious harm suffered.
2. The medical examination provided for in paragraph 1 of this Article shall be coordinated and monitored by the Asylum Centre staff where the applicant is accommodated and the results of the examination, certified by a qualified doctor, shall be submitted to the responsible authority at the ministry in charge of asylum and refugee matters as soon as possible. The applicant's refusal to undergo such medical examination shall not prevent the authority responsible for asylum and refugees from making a decision regarding the application for international protection.

Medical examinations carried out in accordance with paragraphs 1 and 2 of this Article shall be paid with public funds.

3. If no medical examination pursuant to paragraph 1 of this Article is carried out, the authority responsible for asylum and refugees shall inform the applicant that they may undergo medical examinations, at their own initiative and expense, for signs that can indicate past persecution or serious harm suffered.
4. The results of the medical examinations referred to in paragraphs 1 and 2 of this Article shall be assessed by the authority responsible for asylum and refugees along with the other elements of the application.

Article 49

Removal of an Applicant

1. An applicant whose request for international protection has been rejected, or whose refugee or subsidiary status has been revoked, is subject to removal from the territory, in accordance with the provisions of the Law on Foreigners.
2. Family members who have benefited from family reunification with the foreign national pursuant to paragraph 1 of this Article, are also liable to be removed at the same time.
3. In such cases the authority responsible for asylum and refugees shall notify the Authority

responsible for Border and Migration issues on the enforcement of the Law on Foreigners.

CHAPTER VI

SPECIAL CATEGORIES OF APPLICANTS FOR INTERNATIONAL PROTECTION

Article 50

Persons Belonging to the Special Category

1. The authority responsible for asylum and refugees as well as any other state authority, in accordance with the provisions of this Law, shall afford special attention, treatment and care to persons belonging to the special category.
2. The special needs of such persons shall be defined on the basis of an individual assessment of each applicant, refugee, person with subsidiary protection status, or person with temporary protection status, pursuant to this Law.
3. Applicants, refugees, persons with subsidiary protection status or persons with temporary protection status belonging to the special category shall be afforded different treatment in accordance with their specific accommodation needs, and provided with special reception conditions, the necessary medical treatment and psycho-social counselling.
4. Applicants, refugees, persons enjoying subsidiary protection or persons under temporary protection, who have been subjected to torture, rape or other serious acts of violence, shall receive full and suitable treatment for the damage caused to them by such acts; they shall, in particular, have the possibility to receive suitable medical and psychological treatment and care.
5. Persons working with victims of torture, rape, or other serious acts of violence, must have or receive the appropriate training in relation to their needs and comply with the rules of confidentiality regarding the information received in the course of the performance of their duties.

Article 51

Special Procedures and Admission Guarantees

1. Through special procedures and admission guarantees, applicants receive the appropriate support based on their personal circumstances, such as: age, gender, sexual orientation, gender identity, disability, serious illness, mental disorder, or as a result of torture, rape, or other forms of psychological, physical or sexual violence, in order for them to exercise the rights and obligations set forth in this Law.
2. The procedure for getting to know the personal circumstances of the applicant referred to in paragraph 1 of this Article, shall be carried out on a regular basis by the specifically trained staff of the authority responsible for asylum and refugees, from the moment the applicants express their intention to apply for international protection until the final decision is taken.
3. The accelerated procedure pursuant to Article 34 of this Law shall not apply to applicants in need of special procedural guarantees, in particular to victims of torture, rape or other forms of

serious forms of psychological violence, physical or sexual violence, where adequate support cannot be provided through this procedure.

4. Applicants with mental health problems who express their intention to submit an application for international protection shall be assigned a representative before the start of the procedure for its examination.

Article 52

Unaccompanied Minors

1. An unaccompanied minor shall be assigned a guardian in accordance with the legislation in force at the moment he or she expresses the intent to seek international protection in the Republic of Albania. To that end, the local border and migration authorities shall promptly notify municipal social services. Within five days from the decision on the relevant protection measure issued by the head of the social services structure at the municipality, the child protection worker shall present to the competent court of law a request for the validation of the emergency protection measure or protection measure for the placement of the child in alternative care, together with the request for custody.

2. Under no circumstances shall an unaccompanied minor be questioned without the presence of the child protection worker as his or her representative. The child protection worker shall carry out his or her duties by applying the principle of the best interest of the child. The child protection worker appointed as a representative of the unaccompanied minor may only be changed if this is indispensable.

3. The custodian shall inform the unaccompanied minor about the meaning and possible consequences of the personal interview, and where necessary, help him or her how to prepare for a personal interview. The child protection worker at the municipality or administrative unit shall be allowed to attend the interview and shall be entitled to ask questions or make comments within the framework established by the interviewing officer.

4. Where an unaccompanied minor is interviewed regarding his or her application for international protection, the interview shall be conducted by an employee who has the necessary knowledge about the child's specific needs.

5. The authority responsible for asylum and refugees, in cooperation with relevant national authorities and international organisations, shall make every effort and take all the measures to trace/find the parents or other close relatives of the unaccompanied minor as soon as possible.

6. The authority responsible for asylum and refugees shall coordinate the work with relevant structures so that, from the moment of entry into the territory of the Republic of Albania, the unaccompanied minor is placed:

- a) with adult relatives;
- b) with a foster family;
- c) in specialised accommodation centres for minors;
- ç) in other accommodation suitable for minors.

7. An unaccompanied minor applicant who has turned 16 years of age may exceptionally be placed in adult accommodation centres, if the minor gives his or her consent and this is in their best

interest, and if the minor is placed in the custody of an adult relative staying with him or her at the Centre.

8. Where the life or integrity of the unaccompanied minor or of the close members of his or her family is under threat, particularly if they have remained in the country of origin, the responsible authorities shall ensure that the collection, exchange and processing of such relevant information with these persons be made in a confidential manner.

9. To the extent possible, siblings shall remain together, taking into account the best interests of the minor concerned and, in particular, his or her age and level of maturity. Changes of residence of unaccompanied minors shall be kept to a minimum.

Article 53

Medical Examinations for Unaccompanied Minors

1. At the request of the authority responsible for asylum and refugees, an unaccompanied minor may undergo a medical examination to determine his or her age, within the framework of the examination of their application for international protection and in cases where, following general statements or other useful indications, the authority has doubts about the age of the applicant. Where, even after such an examination, the authority responsible for asylum and refugees still has doubts about the age of the applicant, it shall be assumed that the applicant is a minor.

2. Medical examinations shall be performed in full respect of individual dignity, be of the least intrusive nature and be performed by qualified medical professionals allowing, to the extent possible, a reliable result. The medical examination shall be coordinated and monitored by the staff member of the Asylum Centre where the minor is accommodated and held in the presence of a psychologist and the results certified by a qualified doctor shall be submitted to the authority responsible for asylum and refugees.

3. In cases where a medical examination is carried out, the Authority Responsible for Asylum and Refugees shall ensure that:

- a) unaccompanied minors shall be informed prior to the examination of their application for international protection, in a language that they understand or are supposed to understand, of the possibility that their age may be determined by the medical examination. This shall also include information on the method of examination and possible consequences resulting from the medical examination, in the framework of the examination of the application for international protection, as well as on the consequences of refusal to undergo the medical examination;
- b) unaccompanied minors and/or their guardians consent to a medical examination being carried out for the purpose of determining the age;
- c) the decision to reject an application for international protection by an unaccompanied minor who refused to undergo a medical examination shall not be based solely on that refusal;
- ç) The fact that an unaccompanied minor has refused to undergo a medical examination shall not prevent the authority responsible for asylum and refugees from taking a decision on the application for international protection.

4. For the purpose of this Article, the opinion of the child shall be taken into account in accordance with his or her age and level of maturity.
5. All the persons who work with unaccompanied minors must have or receive appropriate training in relation to their specific needs and shall respect the principle of confidentiality in relation to every piece of information received in the course of the performance of their duties.

CHAPTER VII

RIGHTS AND OBLIGATIONS OF APPLICANTS FOR INTERNATIONAL PROTECTION

Article 54

Rights of the Applicant

The applicant shall, until such time as the procedures for determining the international protection status are concluded, have the right to:

- a) stay in the Republic of Albania;
- b) enjoy minimum living conditions;
- c) be provided with health care;
- ç) benefit from social care services;
- d) receive legal aid, guaranteed by the state;
- dh) receive education, in the case of child applicants;
- e) exercise the freedom of thought and religion;
- ë) employment and vocational training.

Article 55

Right of Applicants to Stay in the Republic of Albania

1. The applicant has the right to stay in the Republic of Albania from the moment of submitting a request for international protection until a final determination on their status is made and communicated to the applicant.
2. An exception may be granted where a person submits a subsequent application pursuant to Article 3(10) herein, or where he or she are to be extradited, as applicable, either to an EU Member State in accordance with obligations arising from a European arrest warrant, or to a third country in accordance with obligations defined by international criminal courts.
3. The extradition of an applicant to a third country pursuant to paragraph 2 of this Article, shall be allowed only where the responsible authorities are satisfied that the extradition decision shall not result in their direct or indirect return in violation of international obligations.
4. Family members who have arrived in the Republic of Albania together with the applicant, are entitled to stay in accordance with paragraph 1 of this Article.
5. The authority responsible for asylum and refugees shall undertake the necessary measures to preserve, to the extent possible, the unity of the family within the territory of the Republic of

Albania.

Article 56

Right to Basic Living and Social Conditions

1. The applicants have the right to accommodation, food and clothing provided in the form of goods or as financial assistance, vouchers or a combination thereof, as well as an allowance for daily expenses.
2. The basic living conditions and social conditions shall be defined in a decision of the Council of Ministers.

Article 57

Health Care

1. Applicants are entitled to health care, which comprises emergency health care, health care services, and treatment of serious conditions and mental health disorders.
2. Applicants who have been subjected to rape, torture, inhuman or degrading treatment, or other serious forms of violence, and applicants belonging to the special category, shall be provided with the necessary health care according to their specific needs and the consequences suffered.

Article 58

Legal Aid Guaranteed by the State

1. Applicants shall be provided free legal aid guaranteed by the state in relation to:
 - a) information about their rights and obligations;
 - b) assistance in preparing appeals against decisions taken during the application examination procedure;
 - c) drafting of documents and being represented in the administrative procedure before the authority responsible for asylum and refugees and before a court of law for the purposes of appealing decisions taken during the examination of their application.
2. According to paragraph 1 of this Article, legal aid shall be provided to applicants who do not have sufficient financial means to cover the respective costs.
3. Pursuant to paragraph 1 of this Article, the legal aid may be provided by legal aid service providers, as defined in the Law on Legal Aid guaranteed by the State.
4. The minister in charge of justice issues and the Minister shall determine, by way of a joint instruction, the necessary organizational and technical modalities for the implementation of the provisions of this Article.

Article 59

Minor Applicants' Right to Education

1. Minor applicants have the right to pre-university education with the same conditions as minors

who are nationals of the Republic of Albania.

2. Attendance by minor applicants of pre-university education, pursuant to paragraph 1 of this Article, shall begin within three months from the date of submission of the application for international protection.

Article 60

Freedom of Thought and Religion

The applicant shall be guaranteed the right to exercise their freedom of thought and religion in accordance with the provisions set out in the relevant legislation in force.

Article 61

Right to Employment and Right to Vocational Training

1. Applicants shall have the right to work no later than nine months from the date of lodging the application, if the authority responsible for asylum and refugees has not yet taken a decision and the delay cannot not be attributed to the applicant.

2. The Republic of Albania may, for reasons of labour market policies, give priority to its own citizens in the labour market.

3. Applicants shall have the right to receive vocational training, irrespective of their access to the labour market.

Article 62

Obligations of the Applicant

1. The applicant shall:

- a) act in accordance with the legislation in force of the Republic of Albania and with the instructions given or measures taken by relevant authorities, in accordance with this Law;
- b) cooperate with the authority responsible for asylum and refugees and other state law enforcement authorities;
- c) respond to invitations of the authority responsible for asylum and refugees and/or other relevant state bodies, as well as to collaborate at every stage of the procedure;
- ç) hand over their travel documents, identity documents and/or other evidence available to him or her;
- d) notify the authority responsible for asylum and refugees of any change of address within three days;
- dh) act in accordance with orders issued by the authority responsible for asylum and refugees, as well as with all orders issued by other state authorities regarding restriction of movement;
- e) refrain from leaving the Asylum Reception Centre or the place designated by the Ministry, without the permission of the authority responsible for asylum and refugees until the procedure for the examination of the application for international protection is concluded;

- ë) cooperate with the taking of their dactyloscopic prints and photographs, physical search and search of belongings, as well as provide evidence on income or assets in his or her possession.
 - f) Undergo a medical examination or treatment, upon the request of the relevant health care authority, where there is a risk to public health.
2. The authority responsible for asylum and refugees may conduct a search of the applicant and his or her belongings. Without prejudice to searches conducted for security reasons, searches of applicants in the framework of this Law, shall be conducted by persons of the same gender, in full respect of the principles of human dignity and of physical and psychological integrity.
3. If, during their stay at the Asylum Reception Centre, the applicant fails to comply with the obligations laid down in this Law and rules of the Centre, displays violent behaviour and causes material damage, the authority responsible for asylum and refugees may decide to remove the applicant from the Centre and oblige them pay for the damages he or she caused. The applicant has the right to file an appeal against the decision of the authority responsible for asylum and refugees with the National Commission on Asylum and Refugees.

CHAPTER VIII

RIGHTS AND OBLIGATIONS OF REFUGEES AND PERSONS ENJOYING SUBSIDIARY PROTECTION STATUS

Article 63

Rights of beneficiaries of international protection

1. A person enjoying refugee status and a person enjoying subsidiary protection status shall have the right to:
- a) stay in the Republic of Albania for the duration of their refugee status or subsidiary protection status;
 - b) social care services, on equal terms to those offered to Albanian nationals;
 - c) health care services, on equal terms to those offered to Albanian nationals;
 - ç) accommodation;
 - d) pre-university and higher education, on the same terms as Albanian nationals;
 - dh) assistance with social integration;
 - e) exercise their freedom of thought and religion in accordance with the provisions set out in the relevant legislation in force.
 - ë) employment and vocational training;
 - f) family reunification, as set forth in Chapter IX of this Law;
 - g) address to courts, and the right to free legal aid guaranteed by the state, in accordance with provisions in the Law on Legal Aid guaranteed by the State;
 - gj) the right to own movable and immovable property.
2. Persons enjoying refugee status and subsidiary protection status shall enjoy the rights pursuant

to paragraph 1 of this Article, up to the level of protection enjoyed by the nationals of the Republic of Albania.

3. Within 15 days of the decision to grant refugee or subsidiary protection status, the authority responsible for asylum and refugees shall inform persons with refugee or subsidiary protection status, in a language he or she understands or that is reasonably assumed to understand, of their rights and obligations stemming from the recognition of the respective status.

Article 64

Right to Accommodation

1. Persons enjoying refugee or subsidiary protection status shall be provided with accommodation for a period of up to two years, with the period beginning from the date when the decision on the recognition of their refugee or subsidiary protection status is taken.

2. Persons enjoying refugee or subsidiary protection status shall lose the right to accommodation when they refuse the accommodation provided to them pursuant to paragraph 1 of this Article.

3. Persons enjoying refugee or subsidiary protection status that have the necessary means to afford accommodation costs shall not benefit from the provision of paragraph 1 of this Article.

Article 65

Integration in Society

For the purpose of integration into the Albanian society, persons enjoying refugee and subsidiary protection status shall be provided with the opportunities to learn the history, language and culture of the Republic of Albania.

Article 66

Right to Employment and Right to Vocational Training

1. Persons enjoying refugee or subsidiary protection status shall have the right to employment in the Republic of Albania and to be issued a work permit in accordance with the provisions of the Law on Foreigners.

2. Persons enjoying refugee or subsidiary protection status shall have the right to vocational training and internships on equal terms with Albanian nationals.

3. The authority in charge of work permits and work relations shall take the necessary measures to facilitate full access of persons with refugee or subsidiary protection status in the labour market.

Article 67

Legal Aid Guaranteed by the State

1. Persons enjoying refugee or subsidiary protection status shall be guaranteed free legal aid, guaranteed by the state, regarding:

a) information about their rights and obligations stemming from the refugee or the subsidiary

- protection status;
- b) preparation of appeals and representation before the authority responsible for asylum and refugees, in the case of termination, revocation or refusal of the refugee or the subsidiary protection status, as well as in the preparation of the documentation necessary to engage the National Commission on Asylum and Refugees
 - c) preparation of documentation necessary to engage the courts, provision of counselling, representation and defence before a court of law in relation to the refusal to grant international protection.
2. Pursuant to paragraph 1 of this Article, legal aid shall be provided to a person enjoying refugee or subsidiary protection status, who does not have sufficient financial means to cover the respective costs.
3. Pursuant to paragraph 1 of this Article, legal aid shall be provided in accordance with the provisions of Law on Legal Aid guaranteed by the State.

Article 68

Right to Own Movable Immovable Property

Persons enjoying refugee or subsidiary protection status shall have the right to own movable and/or immovable property on equal terms with foreign nationals.

Article 69

Naturalization

Persons enjoying refugee status and subsidiary protection status shall have the right to acquire Albanian citizenship by way of naturalisation, in accordance with the provisions of the Law on Albanian Citizenship.

Article 70

Obligations of persons enjoying refugee or subsidiary protection status

1. Persons enjoying refugee or subsidiary protection status shall be bound to:
 - a) comply with the Constitution, laws and bylaws of the Republic of Albania;
 - b) notify the authority responsible for asylum and refugees of any change of address within three days of the change;
2. Persons enjoying refugee or subsidiary protection status may not form, join, or support political groups or other organisations that jeopardise the public order and security of the Republic of Albania, and shall not have the right to vote.

CHAPTER IX

FAMILY REUNIFICATION FOR REFUGEES AND PERSONS ENJOYING SUBSIDIARY PROTECTION STATUS

Article 71

Submission and Examination of the Application for Family Reunification

1. The application for family reunification shall be submitted to the authority responsible for asylum and refugees by the refugee or person enjoying subsidiary protection status.
2. The refugee or person enjoying subsidiary protection status shall submit the application for family reunification to the authority responsible for asylum and refugees by filling out a special application form, only if he or she has stayed lawfully in the territory of the Republic of Albania for a period not exceeding two years, before family members may join him or her.
3. When the application for family reunification is submitted, the applicant shall meet the following conditions; namely:
 - a) ensure accommodation with normal living conditions which meet general health and safety standards;
 - b) guarantee sickness insurance for himself or herself, as well as for the family;
 - c) guarantee stable sources of financial income which are sufficient to maintain himself/herself and the members of his/her family, without recourse to the social assistance system or funds from the State Budget.
4. By way of derogation, the refugee shall not be required to satisfy the conditions referred to in paragraph 3 of this Article, when the application for family reunification is submitted within three months of being granted status, and only for the following family members:
 - a) refugee's spouse;
 - b) children of the refugee and of his/her spouse, including adopted children;
 - c) children including adopted children of the refugee where the refugee has custody and the children are dependent on him or her. The authority responsible for asylum and refugees may authorise the reunification of children of whom custody is shared, provided the other party sharing custody has given his or her agreement;
 - ç) children, including adopted children of the spouse, where the spouse has custody and the children are dependent on him or her. The authority responsible for asylum and refugees may authorise the reunification of children of whom custody is shared, provided the other party sharing custody has given his or her agreement;
5. The application form shall be accompanied by a certified copy of the travel documents of family members and documentary proof of the family relationship of the applicant with the person or persons on behalf of the application for family reunification is made. The application form shall include biographic data of the person on behalf of whom the application for family reunification is made and data on the family relationship with the applicant. Where possible, in order to obtain proof that a family relationship exists, the responsible body may carry out interviews and conduct other investigations deemed necessary.
6. If the refugee or the person enjoying subsidiary protection status cannot provide official documentary evidence of the family relationship, the authority responsible for asylum and refugees shall take into account other evidence or information about the existence of such relationship,

which shall be assessed pursuant to the national legislation. A decision rejecting the application may not be based solely on the fact that documentary evidence is lacking.

7. The examination of the application for family reunification shall start within ten days from the date of submission and, at the conclusion of the procedure, the authority responsible for asylum and refugees shall issue a decision with the respective reasoning within 30 days from the day of the submission of the application and shall inform the applicant in writing thereof within 5 days from the day the decision is taken. The application form is approved by an order of the Minister.

8. Where the application for family reunification relates to an unaccompanied minor, a decision shall be taken within 20 days from the day of the submission of the application.

Article 72

Right to Family Reunification

1. Family members of a refugee or person enjoying subsidiary protection status in the Republic of Albania shall have the right to family reunification.

2. A refugee who is an unaccompanied minor shall have the right to request family reunification with his or her parents, siblings, other family members who cohabit lawfully with him or her, or are unmarried children. When these family members in the direct ascending line cannot be traced, the unaccompanied minor shall have the right to request family reunification with their legal guardian or another non-direct line relative.

3. In the event of a polygamous marriage, where one of the refugee's spouses is currently living with him or her in the territory of the Republic of Albania, the entry, stay and family reunification may not be authorised for the spouse or the children of this spouse without prejudice to the provisions of the 1989 Convention on the Rights of the Child".

4. In the event of a polygamous marriage, where the spouses live outside the territory of the Republic of Albania, the applicant shall have the right to request family reunification with one of the spouses and the children of that spouse, in accordance with paragraph 1 of this Article.

5. A refugee or the person enjoying subsidiary protection status shall have the right to apply for family reunification only after a final decision on his or her status is taken.

6. When examining the application for family unification of a partner cohabiting with the applicant, factors such as a common child, previous cohabitation, registration of the partnership and any other reliable means of proof shall be considered as evidence of family relationship.

7. The authority responsible for asylum and refugees may conduct interviews with the applicant and his or her family members and shall keep a record of all the information obtained during the examination of the application.

Article 73

Rejection of the Application for Family Reunification and the Right to Appeal

1. The authority responsible for asylum and refugees shall refuse the application for family reunification where one of following cases is substantiated:

- a) there is a threat to public security, national security and public health;

- b) the criteria set out in this Law are not satisfied;
 - c) the applicant or his family members in the host country were not married or in a family relationship when they were living in their country of origin;
 - ç) it is proven that false information or falsified documents have been provided or fraud was committed;
 - d) it is proven that the marriage or adoption were entered into or done for the sole purpose of enabling the interested person entry and stay in the Republic of Albania.
 - dh) it is found that the applicant or the unmarried partner is married or is in a steady long-term relationship with another person.
2. In the assessment pursuant to paragraph 1(d) of this Article, the relevant authorities shall take into account whether the marriage or adoption took place after the applicant was granted his or her residence permit.
3. The decision to reject the application for family reunification shall contain the reasons thereof.
3. An appeal against the decision to reject the application for family reunification may be filed with the National Commission and Refugees within 15 days from the date of the notification of the decision.
5. An appeal against the decision of the National Commission on Asylum and Refugees may be filed with competent court for the resolution of administrative disputes, in accordance with the legislation in force.

Article 74

Rights of the Family Members of the Refugee under Family Reunification

The family members of the refugee who have been granted family reunification, shall be entitled, in the same way as the applicant, to:

- a) access to education;
- b) access to employment and self-employment;
- c) access to vocational counselling and training;
- ç) access to health care;
- d) a residence permit.

Article 75

Entry and Stay of Family Members

1. The authority responsible for asylum and refugees shall notify the ministry in charge of foreign affairs, in writing, on the decision to grant the application for family reunification.
2. Persons who are granted family reunification, shall be provided with an entry visa at the border, where required. They shall be provided with a residence permit, on the basis of a request by the authority responsible for asylum and refugees to the authority in charge of border and migration issues, in accordance with the rules and procedures set out in the Law on Foreigners.

CHAPTER X
APPEALS PROCEDURE

Article 76
Appeal

1. An applicant, a person with refugee status, a person enjoying subsidiary protection, or a person enjoying temporary protection shall be entitled to appeal decisions of the authority responsible for asylum and refugees, before the National Commission on Asylum and Refugees.
2. Except where the law provides otherwise, provisions of the Code of Administrative Procedure shall apply to appeals before the Commission on Asylum and Refugees.
3. An appeal may be filed against the decision of the National Commission on Asylum and Refugees to the competent administrative court, in accordance with the provisions of the relevant legislation in force.
4. The appeal to the competent administrative court pursuant to this paragraph shall have suspensive effect on the enforcement of the decision of the Commission.

Article 77
Time Limits for Appeals

1. The deadline for appealing the administrative decision of the authority responsible for asylum and refugees to the National Commission on Asylum and Refugees is fifteen days from the date the decision is announced, unless otherwise provided in this Law.
2. In order to file an appeal before the Commission, the time limits specified in the Administrative Procedure Code shall apply.

Article 78
National Commission on Asylum and Refugees

1. The National Commission on Asylum and Refugees is the upper administrative body that examines appeals filed against administrative decisions by the authority responsible for asylum and refugees.
2. The National Commission on Asylum and Refugees is composed of the Chairperson and four members who are appointed for four-year terms in office, with the right to renewal.
3. The members of the National Commission on Asylum and Refugees shall be appointed, released from duty, or dismissed by a decision of the Council of Ministers. The criteria for their appointment, the causes for their release or dismissal from duty and the remuneration of the Commission members shall be defined in a decision of the Council of Ministers.
4. The National Commission on Asylum and Refugees is independent in the exercise of its duties and powers set forth in this Law.
5. In its first meeting, the National Commission on Asylum and Refugees shall approve the internal regulation of its organization and functioning.

Article 79

Higher Administrative Body Examination Procedure

1. The National Commission on Asylum and Refugees shall take decisions on the basis of evidence collected during the administrative procedure carried out by the authority responsible for asylum and refugees, as well as on the basis of other evidence presented by the applicant.
2. Upon conclusion of its examination of the complaint, the Commission shall decide:
 - a) to uphold the decision of the authority responsible for asylum and refugees;
 - b) to quash the decision of the authority responsible for asylum and refugees and return the case for administrative consideration to the relevant structure;
 - c) to alter the decision of the authority responsible for asylum and refugees and to judge the case on its merits;
3. As a general rule, the Commission shall decide on an appeal within 30 days from the date of its filing, with the exception of appeals filed against decisions taken pursuant to Articles 35 and 36 of this Law.
4. Where the appeal has been submitted against decisions taken on the basis of Articles 35 and 36 of this Law, the time limit for deciding on the appeal shall be 15 days from the date the appeal was filed.

Article 80

Reinstatement of Time Limit

1. Where the applicant cannot, for good reason, file the appeal within the statutory time limit, he or she may ask for the reinstatement of time limit for the appeal deadline.
2. For applications for reinstatement of the time limit, provisions of the Code of Administrative Procedures shall apply.
3. The application for reinstatement of the time limit shall have a suspensive effect on the enforcement of the decision for the removal of the applicant from the Republic of Albania.

CHAPTER XI

TEMPORARY PROTECTION

Article 81

Conditions for Granting Temporary Protection

1. Temporary protection shall be granted to foreign nationals or stateless persons who enter the territory of the Republic of Albania in large numbers from countries where their fundamental human rights were violated due to war or similar situation, general violence, or internal conflict, , and their country of origin cannot guarantee their protection.
2. Temporary protection is granted where:

- a) A foreign national has his temporary or permanent residence in the country of origin and has come to the Republic of Albania for the reasons referred to in paragraph 1 of this Article.
 - b) A foreign national is residing in the Republic of Albania beyond the validity of their residence permit and cannot return to the country of his stay or residence, for the reasons referred to in paragraph 1 of this Article.
3. A foreign national who enjoys temporary protection may submit an application for international protection at any time. The examination of the application for international protection begins only upon expiry of their temporary protection.

Article 82

Granting of Temporary Protection

1. Temporary protection is granted by a decision of the Council of Ministers for a one-year period, where the conditions referred to in Article 81 (1) herein are met.
2. The decision to grant temporary protection shall define the groups of persons to whom the granting of temporary protection applies, date on which temporary protection shall take effect, and an assessment on the extent of movement of displaced persons.
3. The decision of the Council of Ministers to accord temporary protection shall take into account economic capacities, national security, protection of the country and public order, as well as any relevant information provided by the UNHCR and other organizations that assist refugees.
4. Temporary protection may be extended for another six months, provided that the conditions in the protected persons' country of origin, on the basis of which the decision for granting protection was taken, still exist.
5. Before the expiry of temporary protection, the Council of Ministers shall review the existence of conditions and circumstances on the basis of which the decision for granting protection was taken and, depending on the outcome of the review, shall decide to extend or terminate temporary protection.
6. The Ministry shall provide information to persons enjoying temporary protection on their rights and obligations for the duration of temporary protection in a language they understand.

Article 83

Exclusion from Temporary Protection

1. The right to temporary protection shall not be granted to persons for whom there are serious grounds to believe that:
 - a) have committed a crime against peace, a war crime, or a crime against humanity, as laid down in international instruments drawn up to deal with such crimes;
 - b) have committed a serious non-political crime outside the territory of the Republic of Albania prior to their admission as a person enjoying temporary protection. Such a determination shall also apply to co-perpetrators and/or instigators of such crimes;
 - c) have been pronounced guilty of acts that are in contravention of the aims and principles of

- the United Nations;
- ç) pose a risk to the national security and public order of the Republic of Albania.

Article 84

Termination of temporary protection

Temporary protection shall terminate:

- a) at the end of time period for which temporary protection was granted by the Council of Ministers;
- b) when the reasons that gave rise to temporary protection cease to exist;
- c) when the foreign national leaves the Republic of Albania;
- ç) the foreign national has been granted another type of protection, pursuant to a particular law or an international agreement;
- d) the foreign national is subject to an expulsion measure.

Article 85

Return

1. The authority in charge of border and migration matters shall take measures as necessary, in accordance with the Law on Foreigners, to enable the voluntary return of persons under temporary protection or of those persons whose temporary protection has expired, and shall ensure that acts governing the voluntary return of persons under temporary protection facilitate their return with due respect for human dignity.
2. In cases enforced return, the Republic of Albania shall also take account of compelling humanitarian grounds, which may render the conduct of enforced return impossible or unreasonable in specific cases.
3. The authority in charge of border and migration matters shall take the necessary measures so that the enforced return of persons whose temporary protection has expired is conducted with due respect for human dignity and that the decision for their return is made on the basis of established facts.
4. The authority in charge of border and migration issues shall take the necessary measures to ensure conditions of residence for persons who have enjoyed temporary protection and who are unable to travel on account of their state of health. Persons who would suffer serious adverse consequences if their treatment were terminated also fall in this category and shall not be returned for as long as such a situation persists.
5. The authority in charge of border and migration issues shall give favourable consideration to requests by persons who have enjoyed temporary protection and who apply to voluntarily return to the host country, on the basis of circumstances prevailing in the country of origin and for as long as temporary protection has not ended.

Article 86

Rights and Obligations of Persons Enjoying Temporary Protection

1. Persons enjoying temporary protection are entitled to:
 - a) remain in the Republic of Albania for the duration of temporary protection;
 - b) be provided with basic accommodation and living conditions, within the means of the Republic of Albania;
 - c) health care;
 - ç) have access to pre-university education on equal terms with Albanian nationals;
 - d) exercise their freedom of thought and religion in accordance with the provisions set out in the relevant legislation in force;
 - dh) the right to employment and to vocational training.
 - e) legal aid guaranteed by the state.
2. By way of derogation, a foreign national under temporary protection is entitled to apply for family reunification only if such right cannot be exercised in any other country except in the territory of the Republic of Albania.
3. Persons who have been granted temporary protection shall comply with the provisions of Article 70 herein.

Article 87

Right to Health Care

1. Persons under temporary protection are entitled to health care, which comprises emergency health care, health care services, and treatment of health conditions and serious mental health disorders.
2. Persons under temporary protection who have been subjected to rape, torture, inhuman or degrading treatment, or other serious forms of violence, as well as persons belonging to the special category, shall be provided with the necessary health care according to their specific needs and the consequences suffered.

Article 88

Right to Basic Living Conditions

1. Persons enjoying temporary protection shall be entitled to basic living conditions, which include but are not limited to, accommodation, food, clothing and other necessities. Persons with special needs enjoying temporary protection shall be ensured living standards in accordance with their specific needs.
2. Persons enjoying temporary protection shall be entitled to social welfare assistance in accordance with the Law on Social Care Services in the Republic of Albania and the Law on Social Assistance in the Republic of Albania.
3. To determine the level of assistance to meet the needs of persons under temporary protection, the fact whether they are employed or self-employed shall be taken into account.

Article 89

Right to Employment and Vocational Training

1. Persons enjoying temporary protection shall be entitled to employment in the Republic of Albania in accordance with the Law on Foreigners.
2. Persons enjoying temporary protection shall be entitled to vocational training and internships on the same terms as Albanian nationals.

CHAPTER XII DOCUMENTS

Article 90 **Issuance of Documents**

1. The Ministry shall issue the applicant with the following documents:
 - a) a certificate attesting that the applicant has lodged an application for international protection;
 - b) a temporary residence permit, issued by the authority in charge of foreign nationals' affairs, in accordance with the procedures laid down in the Law on Foreigners, which shall also serve as an identification document.
 - c) a travel document, where serious humanitarian grounds require the applicant's presence in another country, excluding the country of origin.
2. The certificate referred to in paragraph 1(a) of this Article, shall be issued by the authority responsible for asylum and refugees within three days from the submission of the application for international protection. This document is not proof of identity of the applicant. The format of the certificate for submitting the application shall be approved by an order of the Minister.
3. The person enjoying the refugee status shall be issued the following documents:
 - a) a residence permit in accordance with the Law on Foreigners;
 - b) an electronic identity card;
 - c) a travel document.
4. The person enjoying subsidiary protection shall be issued the following documents:
 - a) a residence permit in accordance with the Law on Foreigners;
 - b) an electronic identity card;
 - c) a travel document.
5. The person enjoying temporary protection shall be issued a residence permit in accordance with the Law on Foreigners.
6. At the request of the refugee and person under subsidiary protection, they shall be issued a visa by the ministry in charge of foreign affairs, in accordance with the Law on Foreigners.
7. Where necessary, the Republic of Albania shall offer all the necessary facilities for getting the necessary visas, including transit visas, to persons who are admitted in its territory for purposes of temporary protection.

Article 91

Travel Document and Electronic Identity Card

1. The refugee and the person under subsidiary protection, upon his or her request, shall be issued an electronic identity card and travel document.
2. Where the refugee and the person under subsidiary protection is a minor, the request for a travel document shall be submitted by at least one of the parents and in his or her presence, or by a guardian or legal representative in possession of a special power of attorney.
3. The refugee and the person under subsidiary protection under 16 years of age shall be issued a travel document that is valid only for five years.
4. The refugee and the person under subsidiary protection above 16 years of age shall be issued an electronic identity card and a travel document, each of which shall be valid for ten years.
5. The criteria and procedure for issuing electronic identity cards and travel documents for this category of persons shall be laid down in an instruction by the relevant minister.

Article 92

Registration

The refugee and the person under subsidiary protection shall be registered in the National Civil Registry, in accordance with the procedure laid down in an instruction by the Minister.

Article 93

Return of Documents

1. Document held in accordance with Article 62 of this Law shall be returned to the foreign national at the conclusion of the international protection status determination procedure.
2. The documents referred to in Article 90 of this Law shall be returned in accordance with the provisions laid down in the Law on Foreigners.

CHAPTER XIII

TREATMENT OF PERSONAL DATA

Article 94

Treatment of Personal Data

1. The authority responsible for asylum and refugees shall, for the purposes of implementation of this Law, collect and process the personal data of applicants for international protection, subsidiary protection and temporary protection, in accordance with the legislation in force on the protection of personal data.

2. In the collection and verification of the data, the authority responsible for asylum and refugees shall cooperate with the respective authorities in the State Police and Intelligence Services.
3. The rules and procedures regarding the collection of information and verification of data and statements from the country of origin of the asylum seeker and the refugee, shall be approved by an instruction of the Minister.

Article 95

Communication of Personal Data

1. The personal data of applicants shall be protected by the legislation on the protection of personal data in force.
2. The authority responsible for asylum and refugees shall not disclose any information to the actors stated to have persecuted or caused serious harm to the applicant about the applicant's application for international protection or about the fact that such an application has been filed, or any other information that might endanger the physical integrity of the applicant, members of his or her family, or the freedom and safety of other family members who still live in the country of origin.
3. The authority responsible for asylum and refugees may communicate to foreign authorities the following information for the purposes of executing the decision to return the applicant to the country of origin:
 - a) personal data (first name, last name, date and place of birth, gender, nationality, last known address in the country of origin or of transit) of the person concerned and the personal data of his or her relatives, where necessary;
 - b) data related to his or her passport or any other identity document;
 - c) dactyloscopic prints, photographs and biometric data;
 - ç) data related to other documents that may help identify the person concerned;
 - d) information on the state of health of the person, provided that this is in accordance with their best interests;
 - dh) any other data necessary to ensure the person's entry in the country of destination and protect the safety of the accompanying persons;
 - e) information on any criminal proceedings instituted against the persons concerned, in so far as this is relevant to the procedure for the return of such persons, protection of public order and safety in the country of origin or transit, and for as long as there is no risk to the persons concerned.

Article 96

Dactyloscopic Prints and Photographs

1. The authority responsible for asylum and refugees shall check the fingerprints and photographs of each applicant. Minors below 12 years of age shall be exempted from this rule.
2. The fingerprints and photograph shall be entered by the State Police in the foreigners' database.
3. If the State Police notices that the new dactyloscopic prints are the same with an already

registered set of fingerprints, it shall duly inform the authority responsible for asylum and refugees and record the personal data of the persons (first name, last name, date of birth, gender, reference number, personal number, citizenship, and the country where the person is). In the case of data collected by the State Police itself, the latter shall inform the authority responsible for asylum and refugees of this, indicating the date, the place and the reasons for taking dactyloscopic prints.

4. The authority responsible for asylum and refugees shall use these data to:

- a) verify the identity of the said person;
- b) check whether the said person has submitted an application for international protection;
- c) check whether there are data that confirm or contradict the statements of the person concerned;
- ç) check whether there are data that question the possibility of the person being granted refugee or subsidiary protection status;
- d) facilitate cooperation between the authority responsible for asylum and refugees, the State Police and relevant law enforcement bodies operating in this field.

5. The transfer of personal data of the applicant outside the country without the written approval of the authority responsible for asylum and refugees is prohibited.

6. The personal data collected for the purposes of this Law shall be deleted or destroyed once the purpose for which they were collected has been achieved, in accordance with the principles laid down in legislation on the protection of personal data.

Article 97

Maintenance of the Electronic Register

1. The authority responsible for asylum and refugees shall manage and maintain an Electronic Register of applicants and persons under international protection who present themselves and are treated in accordance with this Law, of the decisions taken by the competent authorities and any other necessary data as determined by the Minister.

2. The content and manner of managing this Register shall be defined in an order of the Minister.

CHAPTER XIV

FINAL PROVISIONS

Article 98

Institutions Responsible for the Implementation of this Law

1. The implementation of this Law shall be the responsibility of the authorities referred herein, as well as of other institutions which, pursuant to this Law or other relevant laws on their organisation and functioning, have obligations in relation to providing services, assistance, taking the necessary measures and providing the necessary assistance to persons seeking, or who have been granted international protection.

2. In discharging their obligations set forth in this Law, the Ministry and the authority responsible

for asylum and refugees shall collaborate with non-profit domestic or international organizations involved in the field of human rights and, in particular, the rights of persons seeking international protection.

Article 99

Secondary Legislation

1. Within six months from the date of the entry into force of this of this Law, the Council of Ministers shall issue the bylaws pursuant to Article 10 (1), Article 34 (5), Article 44 (2), Article 56 (2), Article 78 (3) of this Law.
2. Within six months from the date of the entry into force of this of this Law, the Minister shall adopt the bylaws pursuant to Article 8 (4), Article 25 (2), Article 26 (8), Article 32 (6), Article 71 (7), Article 90 (2), Article 91 (5), Article 92, Article 94 (3), Article 97 (2) of this Law.
3. Within six months from the date of the entry into force of this of this Law, the minister in charge of justice matters and the Minister shall issue the bylaw pursuant to Article 58 (4) of this Law.

Article 100

Transitional Provision

1. The applications filed until the date of entry into force of this Law shall be dealt with in accordance with the procedures and conditions laid down in Law No 121/2014 “On asylum in the Republic of Albania”.
2. The documents issued by the authorities responsible for the implementation of Law No 121/2014 “On asylum in the Republic of Albania” shall retain their validity until the date of expiration stated therein.

Article 101

Repeals

Law No 121/2014 “On Asylum in the Republic of Albania” and any other byelaws that are in contravention of this Law, shall be repealed.

Article 102

Entry into Force

This Law shall enter into force 15 days after its publication in the Official Journal.

Adopted on 1 February 2021

Promulgated with Decree no. 11972, date 19.2.2021, of the President of the Republic of Albania