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**REPUBLIC OF ALBANIA
THE ASSEMBLY**

**LAW
No. 9959 dated 17.07.2008**

ON FOREIGNERS

In reliance on articles 78 and 83 point 1 of the Constitution, on the proposal of the Council of Ministers,

**THE ASSEMBLY
OF THE REPUBLIC OF ALBANIA**

D E C I D E D:

**CHAPTER I
GENERAL PROVISIONS**

**Article 1
Object of the Law**

This law regulates the regime of entry, stay, employment, treatment and exit of foreigners in/from the Republic of Albania. The law sets out the functions and competences of the state authorities and other public and private Albanian or foreign subjects that have to do with foreigners.

**Article 2
Field of implementation**

1. The subjects of this law are foreigners who enter or intend to enter into the Republic of Albania with the purpose of staying, transiting, employment, study or readmission.

2. Foreigners who are subjects of this law are treated in conformity with the fundamental human rights and freedoms and international agreements ratified by the Republic of Albania, while respecting the principle of reciprocity, non-discrimination and treatment no less favourable than Albanian citizens.

Article 3

Definitions

In this law, the following terms have these meanings:

1. "Members of the family" are the spouse, children under 18, adopted children or wards of the foreigner, children of his/her spouse, aged parents, in the charge of the foreigner.

2. "Asylum seeker" is a foreigner who seeks asylum for one of the reasons provided in law no. 8432 dated 14.12.1998 "On asylum."

3. "Responsible state authorities" are the state organs as well as every other structure under them that exercise functions in the field of legislation for foreigners, according to the competences that are recognised to them by this law or subordinate legal acts in implementation of it.

4. "Certificate of work registration" is the official document approved by the respective responsible authority, which has the purpose of certifying the legality of the work of a foreigner in the Republic of Albania.

5. "Department for the Border and Migration" is the responsible authority in the structure of the State Police, which has competences and duties in the field of treatment of foreigners.

6. "Valid travel document" is a document issued by competent foreign authorities and recognised by the Republic of Albania or any certificate or document, in conformity with an international

agreement or legislation, that certifies the identity and (or) the statehood (stateless status) of the holder, or gives him the right to travel outside the state.

7. "Directorate of Migration Policies" is the responsible authority in the structure of the Ministry of Labour, Social Affairs and Equal Opportunities, which has competences and duties in the field of the employment and self-employment of foreigners.

8. "Property guaranty" is the necessary financial amount that is deposited by the foreigner himself/herself or by a guarantor for the account of the foreigner, for the purpose of covering living expenses and the consequences of damage that might be caused by an action or failure to act of the foreigner in violation of the legislation in force.

9. "Guarantor" is an Albanian citizen or a foreign resident in the Republic of Albania who declares through a legal document that he undertakes the responsibilities for the stay and removal of the foreigner in/from the Republic of Albania, according to the legal provisions in force.

10. "Foreigner" is any person, with or without citizenship, who according to Albanian legislation is not an Albanian citizen.

11. "Unaccompanied minor" is a minor under 18 years of age who has come to Albania unaccompanied by his parents or legal guardian or by any other member of the family.

12. "False information" is any kind of information that is not true and accurate.

13. "Request for asylum" is any declaration (orally, in writing or by gestures) of a foreigner by which he seeks protection in the Republic of Albania.

14. "Work permit" is an authorisation issued by the responsible state authority to a foreigner for purposes of business, for employment or self-employment or for professional formation.

15. "Residence permit" is a permit issued by the competent authorities, which permits the foreigner to stay in the Republic of

Albania.

16. "Residence permit for study purposes" is a permit issued by the competent state authority to a foreigner for purposes of education or study in a public or private educational institution registered according to the Albanian legislation in force.

17. "Passport for foreigners" is a travel document issued by the competent Albanian authorities to the foreigner in order to enable his travel outside the Republic of Albania.

18. "Person without citizenship" is any person whose citizenship of any state cannot be proven, according to the convention on the status of stateless persons.

19. "Undesirable person" is a foreigner, determined as such by order of the Minister of the Interior or another instance authorised by him, because the stay of the foreigner in the Republic of Albania is impermissible for reasons defined in this law.

20. "Key personnel" are persons who perform:
a) management of an enterprise or a department/sector;
b) supervision and checking of the work of the other employees.

21. "Self-employed person" is a person who performs an authorised activity in conformity with the Albanian legislation in this field, for his account, in exchange for a payment or another form of compensation.

22. "Representative" is a person who performs, within the rights that have been given him by law, by special power of attorney or by the court, legal actions in the name and for the account of another natural or legal person.

23. "Trans-frontier employment" is the employment of foreigners who move from the territory of zones near the border between two countries to the Republic of Albania for the exercise of employment activities, provided that they shall return to their permanent residence every day or at least one day in a week, preserving their residence in their country of origin.

24. "Seasonal employment" is the employment of a foreigner that is done only during a period of the year and depending on seasonal conditions, which does not last more than six months in one calendar year.

25. "Refugee" is every person called such in compliance with law no. 8432 dated 14.12.1998 "On asylum."

26. "National register of foreigners" is the official document located with the responsible state authorities containing detailed data about foreigners and their entry, stay, movement and employment in the Republic of Albania. The form and content of this register are regulated by instruction of the Minister of the Interior.

27. "Resident" is a foreigner who has a continuous residence permit issued by the competent Albanian authorities.

28. "Readmission" is the obligation of the Albanian state to re-admit foreigners returned by a state with which it has an international readmission agreement, according to the obligations undertaken in the agreement.

29. "Scholars and specialists" are persons who have specialised knowledge, fundamental for the service, research equipment or management of an enterprise.

30. "Professionally formed" are foreigners whose admittance into the territory of the Republic of Albania is restricted in time and is closely connected to the expansion of capacities and qualifications in the profession selected by them, before they return to the country of origin in order to continue their professional career.

31. "Intra-corporate transferees" are foreigners who work within a company and who are transferred temporarily to the territory of the Republic of Albania, both to the principal place of business as well as to an enterprise/branch of this company, provided that they shall have been employed for this subject for at least a 12 month period immediately preceding this transfer.

32. "Carrier" is a natural or legal person who transports

persons to/from the Republic of Albania by air, land or sea.

33. "Victims of trafficking" are foreign citizens or stateless persons who have been subjects of the trafficking of human beings, that is, victims of the crime of trafficking of human beings as provided by the Palermo protocol of the year 2000 "To prevent, suppress and punish human trafficking, especially of women and children," by the UN convention against international organised crime and by the Albanian legislation in force.

34. "Visa" is an authorisation issued in the form of a visa stamp by the competent authorities, according to the procedures of this law, in a document valid for travel, which permits foreigners to enter, stay or pass in transit through the Republic of Albania, in compliance with the legislation in force.

35. "Business visitor" is a foreigner interested in learning about the macroeconomic development of the country, in holding negotiations or in signing business agreements.

Article 4

Authorities responsible for dealing with foreigners

According to this law:

a) The central state authority responsible for dealing with foreigners is the Department of the Border and Migration under the General Directorate of the State Police.

b) The state authority responsible at the regional/local level for the treatment of foreigners is the Regional Directorate of the Border and Migration.

c) The central state authority responsible for issuing visas is the Consular Directorate in the Ministry of Foreign Affairs and our diplomatic representations and consular offices abroad.

ç) The central state authority responsible for handling employment issues of foreigners in Albania is the Directorate of Migration Policies in the ministry charged with employment and social affairs.

d) The responsible state authority at the local level for the employment of foreigners is the respective employment office.

dh) The central state authority responsible for the evaluation of the economic benefit of the activity of the self-employed as a

condition for the issuance of a work permit for a foreigner is the Ministry of the Economy, Trade and Energy.

e) The central state authorities responsible for drafting and implementing the national programme of the social integration of foreigners with a legal resident in the Republic of Albania are the Ministry of Labour, Social Affairs and Equal Opportunities, the Ministry of Education and Science and the Ministry of Tourism, Culture, Youth and Sports.

CHAPTER II GENERAL PRINCIPLES OF TREATMENT OF FOREIGNERS

Article 5 The rights of foreigners

1. A foreigner in the territory of the Republic of Albania enjoys the fundamental rights and freedoms and respects the obligations provided in the Constitution and the national legislation for Albanian citizens, except for cases when the Constitution specifically attaches the exercise of particular rights and freedoms with Albanian citizenship.

2. A foreigner who stays legally in Albanian territory has the right to possess documents that certify his identity, issued by the competent authorities of the state of origin, as well as documents that certify his status in the Republic of Albania. A foreigner will not be deprived of his documentation except for cases and requirements provided in this law.

3. A foreigner who stays legally in Albanian territory, according to the definitions of this law, enjoys the right to move freely within Albanian territory and to choose his place of employment, without limitation, except for the cases provided by this law.

4. A foreigner has the right of organisation, in compliance with the legislation in force for Albanian citizens, which he may exercise when he has a residence permit.

5. A foreigner with legal residence in Albania enjoys the right of appeal in an administrative and judicial procedure, as well as the right of compensation according to the provisions of Albanian

legislation.

Article 6

Specific restrictions and obligations for foreigners

1. During his residence in the Republic of Albania, a foreigner respects the constitutional order of the Republic of Albania and acts in conformity with the legislation in force.

2. Foreigners are obliged to submit the required data and documents to the representatives of the competent Albanian authorities, in accordance with this law and the other subordinate legal acts in force.

3. Foreigners may not organise, finance, support or encourage the establishment of parties and organisations for political purposes, or meetings and demonstrations that violate the territorial integrity, public order and security in the Republic of Albania.

4. Foreigners may not take leading posts in the public administration.

CHAPTER III

ENTRY INTO THE REPUBLIC OF ALBANIA

Article 7

General conditions for entry, transit and exit

1. A foreigner who intends to enter, leave or transit through the Republic of Albania should present at the border crossing point, before an official of the Border and Migration Police, sufficient travel documentation in conformity with this law and meet the following conditions:

a) possess a valid document, specified in this law, with a period of validity at least three months before the date of its expiry, or not to exceed the period of three months from the permissible date of stay for persons who have the right to enter without a visa into the Republic of Albania;

b) have a border document issued in compliance with an international agreement, for small trans-border circulation;

c) have a *laissez passer* issued by international organisations, in the framework of the performance of duties and missions

assigned by them, such as the United Nations Organisation for its personnel and subordinate agencies; the European Union; the Council of Europe or NATO, as well as any other document valid in the framework of an international agreement ratified by the Republic of Albania;

ç) be provided with an entry visa, if required (accompanied by supporting documents on the basis of which the visa was issued or that prove the reasons for entry) and possess the financial means defined in this law and by decision of the Council of Ministers;

d) has a residence permit issued by the competent Albanian central organ;

dh) is not subject to an order of removal, removal by force or prohibition to enter or stay in the Republic of Albania;

e) is not considered a threat to public order or security and does not infringe on the international relations of the Republic of Albania with other countries;

ë) has not been declared an undesirable person, according to this law.

2. In a case of transit in the Republic of Albania, a foreigner should submit proof that he is permitted to enter the destination country and that he will leave Albanian territory.

3. With the exception of asylum seekers, a minor under 18 years of age applies for a visa or residence permit and passes the border crossing points accompanied or not accompanied by adults. In cases when the minor is not accompanied by any adult, the application and passage through the border crossing points is done if he/she has been given permission by his parents or legal guardian.

Article 8

Undesirable persons

1. For important interests of the state, the constitutional and legal order, national security and public order, the Minister of the Interior declares a foreigner to be an undesirable person with a reasoned order if:

a) he acts or makes propaganda against the sovereignty of the Republic of Albania, national security, the constitutional order and public order and security;

b) he has been sentenced to imprisonment for a criminal offence, wilfully committed in the Republic of Albania, for which the Albanian legislation provides a minimum sentence of no less than three years imprisonment;

c) he is a member of terrorist organisations or supports and commits anarchic actions against the state of law;

ç) he has been declared wanted by international institutions for crimes against humanity, war crimes or other serious crimes;

d) he constitutes a threat to the country or infringes on the relations of the Republic of Albania with other states;

dh) there are grounded suspicions that he will enter into or stay in the territory of the Republic of Albania in order to commit a crime or actions that constitute a danger to the Republic of Albania;

e) he has been involved in organised crime, trafficking in human beings, drugs, illegal border crossing into or through the Republic of Albania, or in any trafficking or other illegal act, according to data received by the institutions responsible for national security.

2. A foreigner is declared an “undesirable person” for a period of not less than ten years from the date of the declaration and is refused entry into or stay in the Republic of Albania during this period.

3. On the request of the foreigner, the Minister of the Interior reviews the application for entry, visa or residence permit, if the adult foreigner committed one of the acts mentioned above while of minor age.

4. The foreigner or his family members who reside in Albania have the right to appeal to the court of first instance against an order of the Minister of the Interior declaring a foreigner an “undesirable person” within 10 days from the date of notification of the order.

Article 9

Refusal of entry

1. In addition to the general cases defined in article 8 of this law, the Border and Migration Police refuse entry of a foreigner, whether or not he has a visa, if:

a) the concrete conditions on the basis of which the visa or

residence permit was issued have changed;

b) the foreigner is subject to an order of removal, removal by force or expulsion or has been declared an undesirable person.

2. Refusal of entry of a foreigner is done for a maximum period up to five years. The period of refusal of entry, depending on the violation committed of this law, is defined by a joint instruction of the Ministry of Foreign Affairs and the Ministry of the Interior.

3. The refusal of entry becomes invalid if the reason for which the order of refusal was issued ceases to exist.

4. The Border and Migration Police notify the other competent organs of the prohibition of entry and staying of a foreigner.

5. The foreigner has the right to appeal against the appealing of the refusal [sic in the Albanian] to the superior administrative organ within five days. Within five days of receiving the appeal, the superior administrative organ examines the complaint and notifies the foreigner. The foreigner has the right to appeal to the court of first instance within 30 days from receipt of notification from the superior administrative organ.

Article 10

Financial means for entry and stay

1. A foreigner who seeks to stay in the Republic of Albania should provide evidence that he has sufficient financial resources for entry into and residence in the country. For this, he should possess:

a) Albanian or foreign currency that can be exchanged in an exchange agency in the Republic of Albania or other forms of payment that are accepted in commercial transactions in the Republic of Albania (checks, credit cards) or documents that give the right to withdraw money from a financial institution in the Republic of Albania (a contract of a bank account, a deposit book), or a declaration of guaranty or a financial guarantee, in the form of a bank deposit, according to the definitions made in point 2 of article 12 of this law, in the amount defined by joint instructions of the Ministry of Foreign Affairs and the Ministry of the Interior; an invitation from a natural or legal person, Albanian or foreign, who has resided in the Republic of Albania for more than one year;

- b) a travel ticket or receipt for a board and lodging reservation;
- c) any other credible evidence for this purpose.

2. Foreigners who seek to enter into the Republic of Albania for a short period of time in order to visit family members, whether Albanian or foreign citizens, with a regular residence in the Republic of Albania or who enjoy the status of refugee, or foreign citizens who are seeking asylum during the time pending a final decision on their asylum request are exempt from the obligations presented in point 1 of this article.

Article 11 **Invitation and the one inviting**

1. A foreign or Albanian natural or legal person with at least a one-year residence permit in the Republic of Albania who exercises a regular activity in the country may invite a foreigner to enter into the country if he meets the conditions mentioned in this article, pursuant to the required legal format.

2. To do this, the inviter undertakes in writing:
- a) to provide the foreigner with lodging and accommodation during the time of the stay in the Republic of Albania.
 - b) to cover the cost of health care and the return;
 - c) to compensate third parties for the damage incurred because of failure to fulfil the obligations undertaken in the invitation;
 - ç) to cover the expenses of return to the country of destination if an order of removal, removal by force or expulsion has been issued for the foreigner and he does not have financial means.

Article 12 **Bank deposit**

1. If it is suspected that a foreigner who applies for a visa or residence permit may become a public burden, he is required to deposit a specific amount of money in a bank account as a guarantee.

2. The limit of the bank deposit is set by joint order of the Minister of the Interior and the Minister of Finance every year, according to normal living standards.

3. The guarantee deposit is returned to the foreigner when he obtains a residence permit or if he leaves the country.

4. The return of the bank deposit may be blocked by order of the Minister of the Interior until the end of the temporary residence permit, but no later than one year from its depositing in the bank.

CHAPTER IV VISAS AND RESIDENCE PERMITS

SECTION I VISAS

Article 13 Types of visas

1. The Ministry of Foreign Affairs issues to a foreigner who wants to enter or pass through the Republic of Albania one of the following types of visa:

a) A visa with a validity of no more than five years, which, depending on the purpose entry and stay, may be:

i) an airport transit visa (type "A" visa), which is with one entry and gives the holder the right to enter and stay in the international zone of the airport until the departure of the flight for the destination state. The list of states for which this visa is applied is determined by decision of the Council of Ministers;

ii) a transit visa (type "B" visa), which is which one, two or more entries and gives the holder the right to one or more transit passage through our country, with a time of stay not exceeding five days for each passage;

iii) an entry visa for a short term stay (type "C" visa), which gives the holder the right to enter for a stay of up to 90 days within 180 days, starting from the date of the first entry.

b) A long term visa, with a one year validity (type "D" visa), which gives the holder the right to enter one or more times and to stay up to 180 days.

2. The criteria, procedures and documentation for issuing a visa, according to the types defined in points 1 and 2 of this article, are determined by decision of the Council of Ministers.

Article 14

Long-term visas

1. The Ministry of Foreign Affairs provides a long term visa of type "D" to a foreigner who enters into the Republic of Albania for:

- | | |
|---|--------|
| a) economic activity | D/AE; |
| b) professional activity | D/AP; |
| c) commercial activity | D/AT; |
| ç) employment | D/APU; |
| d) study | D/ST; |
| dh) family reunification | D/BF; |
| e) entry into the territory of
the Republic of Albania as spouse
and child of an Albanian citizen | D/AF; |
| ë) humanitarian or religious activity | D/VHF; |
| f) diplomatic visa or service visa | D/DS; |
| g) other purposes | D/QT; |
| gj) visa for seasonal
employment | D/PS; |
| h) visa for humanitarian reasons | D/H. |

2. A visa of type "D/PS" issued for purposes of seasonal employment gives the holder the right to stay without interruption for a period up to six months within one year.

3. A visa of type "D/H" issued for humanitarian reasons gives the holder the right to stay up to six months within one year.

4. The documentation required by this law for points 1 and 2 of this article is submitted complete in the application file in the respective diplomatic representation.

5. The criteria, procedures and documentation for provision of a visa according to the types specified in points 1 and 2 of this article, are determined by decision of the Council of Ministers.

Article 15

Application for a visa

1. A foreigner applies for a visa in accordance with the

designated application form and delivers it to the diplomatic representations of the Republic of Albania outside the state, appearing personally. An exemption from the obligation of personal appearance is made only for special cases defined in a decision of the Council of Ministers.

2. If there is no Albanian representation in the country of the applicant or the country where he is residing, the application is submitted to the Albanian representation in the neighbouring country.

3. If there is no Albanian diplomatic representation in the neighbouring country either, the foreigner submits the application in the diplomatic representation of the Republic of Albania in the country provided in a list determined by decision of the Council of Ministers.

4. The issuance of a visa may be delegated to representations of other countries according to bilateral agreements.

5. The expiry date of the visa should be no later than three months before the expiry date of the passport.

Article 16

Issuance of visa by the competent authorities

1. A foreigner who wants to enter the Republic of Albania is provided with a visa stamped into the travel document by the Ministry of Foreign Affairs and by the diplomatic and consular units of the Republic of Albania abroad in order for entry to be permitted into the Republic of Albania.

2. Before issuing a visa, the competent authorities verify whether the foreigner meets the entry criteria defined in this law, as well as whether he falls under the categories of persons to whom entry into the Republic of Albania is refused, consulting with the Ministry of the Interior and the State Information Service.

3. Cooperation between the Ministry of Foreign Affairs, the Ministry of the Interior and the State Information Service is defined by joint instructions of these institutions.

4. The form, content and security elements of the visa stamp are determined by decision of the Council of Ministers.

Article 17

Issuance of visa by the Border and Migration Police

The local Border and Migration Police may issue visas for time periods (but not visa extensions) of 15 days, for cases of short term visas, and five days for transit visas, in certain cases, as follows:

a) in emergency situations caused by natural disasters, floods or accidents;

b) in case of death or serious illnesses certified by the respective documents;

c) in case of disaster when, because of a technical defect, bad weather or danger from a terrorist attack, the crew of ships or airplanes has to enter the territory of the Republic of Albania;

ç) in cases of foreign seamen who seek permission to disembark or re-embark in order to return to their country after the end of a work contract or in cases of change of the crew;

d) on the request of the Ministry of Foreign Affairs, for cases of state interests and international obligations.

Article 18

Visa for minors

1. A minor is provided with a personal visa on the application of the parent who is in charge of him or has legal custody.

2. The visa of a minor who, for various reasons, does not have a personal passport is noted in the visa of the parent or legal guardian in whose passport the minor has been registered.

Article 19

Annulment, invalidity and refusal of a visa

1. A visa may be annulled and declared invalid by the embassies or consular offices of the Republic of Albania outside the state or by the consular office of the Ministry of Foreign Affairs in the territory of the Republic of Albania for the following reasons:

a) if at the moment of entry and during his stay, the foreigner no

longer fulfils the conditions for which the visa was issued or the purpose for which it was issued has changed or does not exist any more;

b) the visa was issued in violation of the legal provisions in force;

c) if a foreigner has submitted false data or falsified documents to receive the visa;

ç) if the visa was issued to the person by mistake;

d) if the foreigner has been declared an “undesirable person” after the date of issuance of the visa;

dh) if the foreigner, in a repeated manner, does not respect the rules established by the customs authorities and the Border and Migration Police for crossing the state border.

2. The annulment of the visa is communicated to the person immediately, putting in the travel document where the visa has been stamped the inscription “ANNULLED.”

3. A visa may also be annulled by the General Directorate of the Border and Migration, in cases when it has been issued according to article 16 of this law.

4. A foreigner who has been refused a visa or whose visa has been annulled or declared invalid has the right of administrative and judicial appeal.

5. The payment for a visa in fact is a payment for the application for a visa and is not returned in cases of its refusal.

6. In cases of annulment or invalidity of a visa, if the foreigner is located in the territory of the Republic of Albania, he is treated according to the procedures defined by decision of the Council of Ministers.

Article 20

Entry without a visa

Foreigners who are citizens of states with which the Republic of Albania has bilateral agreements or where there is a unilateral position of the Republic of Albania that exempts them from the obligation to obtain a visa have the right to enter into and stay in the

country for a time period of 90 within 180 days from the first entry. They should appear at the Regional Directorate of the Border and Migration within 30 days after they have entered the territory of the Republic of Albania.

Article 21

Diplomatic and service visas

1. Members of the diplomatic and consular corps accredited by foreign states in the Republic of Albania (as well as their family, spouse, civil partner, sons up to the age of 21 and daughters up to the age of 25) apply for a visa at the diplomatic representations of the Republic of Albania, according to the approved lists of countries. They are issued short term stay visas of 90 days within 180 days. This [rule] is valid except for cases when it has been otherwise decided by a bilateral agreement.

2. Furthermore, the State Protocol in the Ministry of Foreign Affairs provides them with diplomatic residence permits, with a validity that covers the entire time of accreditation.

3. Representatives of international organisations that have specific agreements with the Republic of Albania also benefit from the same regime of visas and provision of residence permits.

SECTION II

RESIDENCE PERMITS

Article 22

Provision of a residence permit

1. A foreigner who stays in the Republic of Albania with a long-term residence visa of type "D", or who enters without a visa within the time limits defined in this law for the stay of foreigners who enter without a visa, makes a request to the local Border and Migration Police to be provided with a residence permit or for its renewal. The purpose of the residence permit should be in compliance with the purpose of the visa with which the foreigner entered the Republic of Albania.

2. The central state authority responsible for the treatment of

foreigners approves the residence permit, while the state authority responsible at the regional/local level for the treatment of foreigners provides the foreigners with the residence permit.

3. A residence permit is given with a duration of:

- a) three months, six months or one year, which may be renewed no more than five consecutive times;
- b) two years, which may be renewed no more than once;
- c) permanent, if the foreigner has had a legal residence for five consecutive years in Albania and has sustainable ties or activities in the country.

4. The format of the residence permit is approved by decision of the Council of Ministers.

Article 23

Provision of a temporary residence permit

1. A foreigner is issued a temporary residence permit that is valid for the period specified in the application, but no longer than one year when the application is made for the first time.

2. A foreigner issued a temporary residence permit who leaves the territory of the Republic of Albania temporarily has the right to re-enter the country within the time period of the residence permit.

3. A temporary residence permit for purposes of study is issued for a duration of a maximum of up to one year and is renewed as many times as necessary in order to complete the studies. At the end of the studies, in cases requiring special consideration, the temporary residence permit for purposes of study may be renewed as a permit for purposes of employment.

4. The spouse of a foreigner who has the status of refugee and has been staying for at least one year in the Republic of Albania has the right to apply for a temporary residence permit, also including children of up to 18 years of age or, if they are students, up to 27 years of age.

Article 24

Application for a residence permit and its renewal

1. Within 30 days before the expiry of the stay period, the foreigner submits an application for the issuance or renewal of the temporary residence permit, completing the standard form and the list of documents defined by decision of the Council of Ministers.

2. The application form contains the personal data of the foreigner, his citizenship (status if he is without citizenship), other data of the passport, educational qualifications, profession, civil status, place and financial means, reasons for his planned stay, data of vehicle registration (if he uses a vehicle registered abroad during his stay in the Republic of Albania), as well as a medical certificate that declares that the foreigner does not suffer from any illness that might constitute a danger to public health [and] an authenticated certificate of criminal status.

3. Within 30 days, the responsible authorities of the border and migration examine the request for the provision of the residence permit or its renewal.

4. During the examination of the request, the foreigner is given a provisional permit, which completely replaces, in form and function, the permit for which the foreigner has applied and is surrendered at the moment of receiving the residence permit. The format of the provisional permit is approved by decision of the Council of Ministers.

Article 25

Refusal to issue or renew a residence permit

1. The issuance or renewal of a residence permit can be refused or withdrawn if:

a) the foreigner has not managed to hand over the application by the designated date without any justified reason for his failure to do so;

b) the foreigner is not in a condition to prove that he meets the conditions required for the stay in compliance with the required criteria;

c) the foreigner suffers from an illness that endangers public health or has not acted in conformity with the Albanian legislation in

force on health care during his stay in Albania;

ç) the conditions exist for ordering his removal;

d) the foreigner has become subject to removal or prohibition of entry or stay;

dh) the marriage has been dissolved, if the foreigner earned the residence permit because of family unification;

e) the purpose of the stay has changed or has failed, except for the provisions defined in point 2 of this article.

2. In extraordinary circumstances, a residence permit may be renewed if the purpose of the stay has changed because of medical treatment, family reunification or for any other reason that requires special assessment.

3. The format of refusal of a residence permit is approved by order of the Minister of the Interior.

Article 26

Provision of a permanent residence permit

1. A foreigner is provided with a permanent residence permit if he meets the following conditions:

a) he has stayed, in a legal and regular manner, in the Republic of Albania for at least five years from his entry, except for cases when his stay was for purposes of study, has given security for his residence and subsistence in Albania, and is not subject to refusal of entry or stay according to the provisions of this law;

b) he has been permitted to stay for special reasons by order of the Minister of the Interior;

c) he has been granted asylum in the Republic of Albania.

2. The local Border and Migration Police register the permanent residence in the travel document of the foreigner, who has the right to leave the territory and return again.

3. At least once every two years, the local Border and Migration Police check the conditions of the stay of a foreigner who has a permanent residence permit.

Article 27

Application for a permanent residence permit

1. The foreigner himself or an adult member of the family submits an application for a permanent residence permit to the local Border and Migration Police where he has his residence.

2. The application for a permanent residence permit contains:

a) the personal data and the documents that prove his citizenship (stateless status);

b) a birth and marriage certificate, a court decision that certifies the dissolution of the marriage [or] an original document certifying that a minor applicant has no legal impediments to staying outside the state;

c) a certificate of criminal status, issued no earlier than six months before the submission of the application;

ç) an official medical certificate showing that the applicant does not suffer from any illness that constitutes a risk to public health, issued no earlier than three months before the submission of the application;

d) documents that prove his educational or professional qualifications;

dh) documents that prove his accommodation and appropriate living conditions in the Republic of Albania;

e) documents showing why the foreigner has been provided with a residence permit up to the moment of the application, such as a short decision of the authority competent for refugees for the recognition of a person as a refugee or a person under the protection of the Republic of Albania.

Article 28

Refusal to issue a permanent residence permit

A foreigner is refused a permanent residence permit if:

a) he has not guaranteed his accommodation and living conditions in the Republic of Albania;

b) a criminal proceeding has been initiated by the Albanian justice authorities against him or he has been declared wanted because of a criminal proceeding or there is a criminal file against him that has not been closed;

c) his stay in the country would constitute a threat to national security or public order and security;

ç) he suffers from an illness that constitutes a danger to public health, except for the case when he is applying for a permanent residence permit for purposes of family reunification with his spouse or minor child, who has Albanian citizenship and live in the Republic of Albania, or in the case when he is under obligatory and systematic medical treatment.

Article 29

Withdrawal of a residence permit

1. A temporary residence permit may be taken away from a foreigner if:

a) he has submitted false facts or data for the issuance of the permit;

b) the conditions on the basis of which the permit was issued have changed in such a way that they make the stay impossible, and a period of five years has not yet been completed from the issuance of the first residence permit;

c) he is subject to expulsion or an order of prohibition of entry and stay has been ordered against him;

ç) the temporary residence permit was issued on the basis of family reunification and the marriage has been dissolved within three years from receipt of the permit (not because of the death of the spouse), or the parental rights have been terminated, unless the foreigner has stayed in the Republic of Albania with a residence permit for at least five years;

d) the residence permit of the parent who has legal custody has been withdrawn and the stay of the minor is not guaranteed by the other parent;

dh) in a case of family reunification, the spouse with Albanian citizenship has left the territory of the Republic of Albania for permanent residence abroad or when the residence permit of the foreign spouse has ended.

2. If a foreigner has left the territory of the Republic of Albania for a period longer than six consecutive months, the temporary residence permit is considered terminated on the expiry of the period of validity.

Article 30

The rights of permanent residents

1. Foreigners who have a permanent residence permit are called permanent residents and should be registered in the civil status office. If they meet the criteria, they are provided with an identity card and passport for foreigners, and they may also be employed, self-employed or involved in a business activity directly, without the need to obtain a work permit.

2. Permanent residents have the right to education and the benefits from social insurance schemes the same as Albanian citizens, in conformity with the legislation in force in this area.

3. The format of the identity card and passport for foreigners is determined by decision of the Council of Ministers.

Article 31

Issuance of a residence permit in exceptional cases

1. The local Border and Migration Police give a foreigner a temporary residence permit for humanitarian reasons, even if the conditions of stay defined in article 22 of this law are not met, if the foreigner:

- a) has made an asylum request to the asylum authorities;
- b) is a victim of trafficking and needs temporary protection;
- c) has cooperated or agrees to cooperate with the justice authorities, on the proposal of the state authorities or the organs of national security;
- ç) it has been determined by the competent authorities that he is a stateless person;
- d) was born in the Republic of Albania and has remained without legal guardianship according to Albanian legislation, but has not obtained Albanian citizenship or the right to stay for other reasons.

2. A foreigner who has a temporary residence permit according to point 1 of this article enjoys the rights guaranteed for foreigners who have a temporary residence permit according to the normal procedures. He cooperates with the competent authorities for the determination of his identity, but the absence of evidence verifying identity is not sufficient as the basis for refusing the issuance of a

temporary residence permit. The foreigner has the right to health care, financial aid and support, according to the legal provisions in force.

Article 32

Family reunification

1. A foreigner provided with a residence permit who stays and works in the Republic of Albania may make a request to the local Border and Migration Police to bring his family, for purposes of family reunification, if he fulfils the following conditions:

a) he has entered the territory of the Republic of Albania in compliance with the provisions of this law;

b) he has been staying for no less than one year in the Republic of Albania;

c) he earns his living in a regular manner in the Republic of Albania from income or property of his spouse who stays in the Republic of Albania or, in the case of minors, from income or property of their parents;

ç) he pays contributions to health insurance in order to cover the services of health care;

d) he guarantees appropriate conditions and accommodation for his family;

dh) he submits the documentation in accordance with the definitions of the decision of the Council of Ministers.

2. A residence permit for family reunification is issued for a period of time no longer than the residence permit of the person who submits the request for family reunification.

3. If the permit for family reunification is not granted, the foreigner has the right to appeal to the minister within 15 days from the date of receipt of a notification in writing.

Article 33

General rules for a foreign family

1. Albanian legislation recognises and guarantees family reunification for a foreign family resulting only from one marriage of the foreigner, that for which he applies for the first time for family reunification.

2. All the members of the foreigner's family enjoy the same rights and obligations resulting from this law in the same way as the foreigner himself.

3. The adult members of the foreigner's family who have entered the Republic of Albania for purposes of family reunification have the right to apply independently for a residence permit if they have stayed for a period of less than five years in Albania.

4. A minor who has entered the Republic of Albania through family reunification applies independently from the members of the family to obtain a residence permit in the Republic of Albania when he reaches the age of adulthood.

5. If the marriage is dissolved after entry, or the spouse dies, the residence permit of the foreigner is not extended, except when the spouse is the legal guardian of children with Albanian citizenship born within the marriage or when the foreigner has obtained a two-year temporary residence permit prior to the dissolution of the marriage.

6. A foreigner who has a temporary residence permit and who delivers a child in the Republic of Albania gives notice of the act of birth within 30 days to the local Border and Migration Police, which issues a temporary residence permit for the child, regardless of whether the conditions defined in point 1 of this article are taken into account.

Article 34

Family reunification of a foreigner with an Albanian citizen

Residence permit for a foreigner who is married to an Albanian citizen.

1. A foreigner who is the spouse of an Albanian citizen is guaranteed a residence permit with a term of no longer than one year for the first time, without having the obligation to submit a work permit. This residence permit is renewed afterwards for a two-year validity and is also legally valid for a minor under 18 years of age who is in the legal custody of the foreigner.

2. A foreigner will not be provided with a residence permit, or if he has already obtained one, it will be withdrawn, if it is proven that the marriage was entered into for the purpose of enabling the foreigner to obtain a residence permit or Albanian citizenship bypassing the obligations of this law. The marriage is considered to be one of convenience [lit. entered into for this purpose] if it is impossible for the spouses to live and communicate together or if one spouse does not know the personal data of the other.

Article 35

Annulment of a residence permit issued for family reunification

The central authority of the Border and Migration Police annuls the residence permit of a foreigner who has received it for family reunification, if it is discovered that the applicant or benefiting foreigner:

- a) has entered into a marriage of convenience in order to obtain a residence permit;
- b) has submitted fraudulent or false data.

Article 36

Permanent residence permit for special cases

1. A foreigner who has a temporary residence permit and lives with his family is granted a permanent residence permit, provided that:

- a) he has entered the Republic of Albania for family reunification and has lived legally with an Albanian citizen or a foreign citizen who has a permanent residence permit;
- b) his parents or grandparents are of Albanian citizenship;
- c) a child was born in the Republic of Albania of parents who have a permanent residence permit, notwithstanding other requirements necessary for the issuance of a residence permit.

2. A foreigner who becomes sick or disabled after being issued a residence permit will not be refused the renewal of the temporary permit or will not be subject to withdrawal of the residence permit because of this fact.

3. The documentation and procedures for obtaining a permanent residence permit for special cases are defined by

decision of the Council of Ministers.

Article 37

Residence permit for study

1. A foreigner who has entered and stays in Albania to study at an educational institution licensed by the Albanian state has the right to apply for a residence permit in accordance with the procedures defined in article 22 of this law.

2. A foreigner who is pursuing higher education or participating in training or professional practice is provided with a residence permit having a validity of no longer than one year when it is issued for the first time, and which may be extended each time by one year until the end of the studies or practice.

3. The foreigner should prove that he has been accepted by the educational institution and that he has sufficient financial means for living in the Republic of Albania during his studies.

4. The documentation and procedures for a residence permit for purposes of study are determined by decision of the Council of Ministers.

Article 38

Residence permit for the diplomatic corps

The Ministry of Foreign Affairs also provides the family members of the participants of diplomatic or consular representations in Albania with a residence permit, as provided in point 1 of article 21 of this law, as well as extending the term of validity of their temporary residence permits.

CHAPTER V

WORK PERMITS

Article 39

Exemption from the obligation to obtain a work permit

1. The following subjects are exempted from the obligation to obtain a work permit:

- a) consultants or advisers to central state institutions;
- b) technical assistance missions of international organisations to central institutions;
- c) representatives of international organisations with diplomatic status;
- ç) a foreigner who enjoys diplomatic and consular immunities and privileges according to international law;
- d) the personnel of the trans-frontier carriage of goods and people, when they do not stay in Albanian territory for more than three months and their headquarters are registered abroad;
- dh) a foreigner who is a member of the military forces or a civilian unit of a NATO member;
- e) a person who holds more than one citizenship, one of which is Albanian;
- ë) a representative of the mass media, reporters of foreign correspondents accredited in the Republic of Albania who work for a foreign employer;
- f) persons who negotiate an agreement or tend a pavilion in a trade fair, with a validity of up to one month;
- g) persons who install machinery or constructions delivered from a foreign company and who perform the service of repairing the machinery, as well as training Albanian or foreign employees in its use, up to one month;
- gj) the principal directors of not-for-profit organisations who are not compensated for their work;
- h) representatives of religious and humanitarian foundations or institutions recognised and registered with the responsible organs of the Albanian state who are not compensated for their work;
- i) members of the crew of ships or airplanes with a temporary stay in the Republic of Albania of up to three months;
- j) business visitors who stay less than one month in the Republic of Albania;
- k) foreign specialists, scholars or lecturers who come to the territory of the Republic of Albania in the framework of bilateral governmental agreements or [agreements with] the educational institutions themselves.

2. The procedures and documentation for the exemption of the subjects defined in point 1 of this article from the obligation to obtain a work permit are determined by decision of the Council of Ministers

Article 40

Labour market needs for employees

1. A work permit for a foreigner, as an employee, is issued taking account of the developments and needs of the labour market in the Republic of Albania, after testing the vacancy [lit. free work place].

2. Before the approval of the request of a foreigner to fill a vacancy, the responsible state authority should evaluate whether this place might be taken by:

- a) an unemployed Albanian seeking work;
- b) foreigners who are members of the family of Albanian citizens;
- c) members of the family of a foreign with a regular residence in the Republic of Albania;
- ç) citizens of EU Member States or countries with which the Republic of Albania has signed bilateral or multilateral agreements;
- d) foreigners who have priority for inclusion in the Albanian labour market according to the provisions of this law;
- dh) foreigners with a legal residence in the Republic of Albania and who exercise or have exercised uninterrupted legal activity in the Republic of Albania for more than two years within the five prior years.

3. Foreigners who have continuously applied for a work permit for a two-year period are an exception to the rule defined in point 2 of this article.

4. A request to fill a vacancy is made public by the employer or the responsible state authorities for at least a four week period.

5. The responsible state authority determines the order of preferred examination, the preferences of the applicant and the chronological submission of the request, when requests to fill vacancies exceed the number of vacancies published.

6. The minister assigned with issues of migration for employment may permit the approval of the issuance of work permits by the Directorate of Migration Policies, for particular cases when the number of foreigners who work for an employer does not

exceed 10 per cent of the total number of personnel in the salary list for the 12 previous months.

Article 41

Labour market needs for the self-employed

1. A work permit for a foreigner as self-employed is issued taking account of the developments and labour market needs in the Republic of Albania, after an assessment of the economic benefit of the activity of the self-employed person.

2. A work permit for a foreigner as self-employed is issued without taking account of the developments and labour market needs in the Republic of Albania in the following cases:

a) for special activities, appropriate to the Republic of Albania, in a specific sector or region;

b) when the foreigner has had a legal residence in the Republic of Albania and has legally exercised activity as a self-employed person for more than two years out of the last five years;

c) for activities that will enable employment in the Republic of Albania.

Article 42

Priority in issuance of a work permit

A work permit will be issued without taking account of the situation and labour market developments and without other restrictions according to the provisions of this law, if the foreigner

a) is the spouse of an Albanian citizen, has a one-year residence permit and for so long as they continue spousal life, according to the Albanian legislation in force;

b) has been employed in the framework of implementation of international or inter-governmental agreements, except when the agreements provide otherwise;

c) is of Albanian nationality, notwithstanding his/her citizenship;

ç) has completed a public or private secondary professional school in the Republic of Albania;

d) has come for professional formation;

dh) has the status of an intra-corporate transferee.

Article 43

Obligation to keep to the reason for employment

A foreigner in the Republic of Albania has the obligation to keep to the reason for the issuance of the work permit for which he has emigrated.

Article 44

End of a work permit

A work permit ends when:

- a) the time period for which it was issued is completed;
- b) the foreigner leaves the territory of the Republic of Albania for an uninterrupted period of more than six months within the period of validity of the work permit;
- c) the foreigner does not start activity within three months from the date of issuance of the work permit.

Article 45

Renewal of a work permit

A request for the renewal of a work permit, except for a seasonal work permit, is made 15 days before the end of the term of the existing permit, if the main conditions for the issuance of the prior work permit have not changed. It is renewed within a period of 30 working days.

Article 46

Document replacing a work permit

1. For the period during which the procedure is being performed of issuance of a substitute work permit, the foreigner will be given a temporary work permit, with a validity of up to his obtaining a new work permit.

2. If a work permit is lost or damaged or becomes invalid according to article 47 of this law, the foreigner should immediately notify the responsible state authorities in writing and ask for the issuance of a duplicate work permit.

Article 47

Invalidity of a work permit

Regardless of the [date of the] end of its validity, a work permit becomes invalid when:

- a) the period of its validity cannot be renewed for any reason;
- b) the validity in time of the passport or identification document of the foreigner cannot be extended;
- c) the foreigner stays outside the territory of the Republic of Albania for more than six consecutive months, excluding cases of *force majeure* for this absence;
- ç) the foreigner does not start activity within three months from the date of issuance of the work permit.

Article 48

Types of work permit

1. A foreigner who will exercise an economic activity in the territory of the Republic of Albania is issued:

- a) a work permit of type "A", for economic activity as an employee:
 - i) a work permit of type "A/P", for employees;
 - ii) a work permit of type "A/PS", for seasonal work;
 - iii) a work permit of type "A/TN", for intra-corporate transferees;
 - iv) a work permit of type "A/S", for students;
 - v) a work permit of type "A/NK", for trans-frontier employment;
 - vi) a work permit of type "A/FP", for professional formation;
 - vii) a work permit of type "A/SHV", for persons who offer volunteer services;
 - viii) a work permit of type "A/AF", for the members of the family who come to the territory of the Republic of Albania in the framework of family reunification;
- b) a work permit of type "B", for independent economic activities:
 - i) a work permit of type "B/VP", for the self-employed;
 - ii) a work permit of type "B/I", for investors;
- c) a work permit of type "C", for special cases;
- ç) a work permit of type "D", for foreigners who have received a continuous work permit.

2. The criteria, documentation and procedure for the issuance, renewal, refusal and annulment of a work permit for foreigners, according to the types described in point 1 letters “a”, “b”, “c” and “ç” of this article, are determined by decision of the Council of Ministers.

3. The form and content of a work permit, according to the types described in point 1 letters “a”, “b”, “c” and “ç” of this article, are approved by order of the minister charged with questions of migration for employment.

Article 49

Employee work permit of type “A/P”

Employees are given a work permit

- a) with a one-year term of validity, for the initial work permit;
- b) renewed two consecutive times, with a two-year term of validity, if the conditions have not changed for which the prior initial work permit was issued;
- c) continuous, after the end of the term of validity of the second two-year permit, if the conditions have not changed for which the last work permit was issued.

Article 50

Seasonal workers work permit of type “A/PS”

1. A seasonal worker is granted a work permit with a term of up to six months for each calendar year for regions, employers, professions and work contracts with a determined time period, provided that the worker shall not have a continuous residence in the Republic of Albania and shall return to the country of origin after the end of the work contract.

2. The requirements for seasonal labour are regulated by bilateral agreement between the Republic of Albania and other countries.

3. In the following calendar year, the employer may submit a request for a work permit as a seasonal worker for the same foreigner, provided that a mandatory six months time interruption shall have been completed.

Article 51

Work permit for intra-corporate transferees of type “A/TN”

1. Transferees within an enterprise/company are granted a work permit without it being necessary to submit documents in order to show that they meet the requirements defined in article 40 of this law, but provided that they are assessed as “key employees” [lit. “principal personnel”] or “specialists.”

2. The initial period of validity of a work permit for intra-corporate transferees is equal to the length of time required for the performance of the designated work, up to a maximum validity of five years.

3. In the absence of bilateral or multilateral agreements, a foreigner who has been granted a work permit of the type “A/TN” is subject to the local legislation on social protection.

Article 52

Student work permit of type “A/S”

1. A student is granted a work permit for employment in activity for payment, part time or for a specific time, provided that:

- a) his employer shall notify the responsible state authorities of the beginning and end of the employment;
- b) the educational institutions shall certify that the teaching process is not infringed by his employment;
- c) the foreigner shall work up to 20 hours per week.

2. The permit will be renewed annually if its holder shows that he continues to meet the requirements for the issuance of the first permit and is also meeting the requirements of the educational institution he is attending, certifying that he has performed his studies successfully.

Article 53

Work permit for trans-frontier employment of type “A/NK”

1. A foreigner is granted a work permit for trans-frontier employment, provided that he returns to his permanent residence

every day or at least once a week, keeping his residence in the country of origin.

2. In the absence of bilateral or multilateral agreements, a foreigner granted a work permit of type “A/NK” is subject to the local social protection legislation.

Article 54

Work permit for professional improvement of type “A/FP”

A foreigner is granted a work permit for professional formation, valid for the same amount of time as that of the activity of his professional formation, for so long as the professional formation activity lasts, provided that he shall prove that this formation is closely linked to the increase of his qualification and capacities.

Article 55

Work permit for family members of type “A/AF”

Every member of the family of a foreigner who is staying regularly in the Republic of Albania is granted a work permit for one year. This work permit is issued on the condition that this member shall have lived with the foreigner, legally and without interruption, for at least three years.

Article 56

Work permit for voluntary service of type “A/SHV”

Foreigners who attend activities as employed persons in the framework of youth exchanges are granted a work permit without it being necessary to prove that they meet the conditions defined in article 40 of this law, provided that their activity shall be restricted to up to one year except for cases when the legislation of the Republic of Albania in force provides otherwise.

Article 57

Work permit for self-employment of type “B/VP”

A foreigner is granted a work permit of type “B/VP” limited in

time, space and profession for independent self-employed economic activity.

Article 58

Work permit for investors of type “B/I”

1. A foreigner is granted a work permit of the type “B/I” for a three year term for independent economic activity as an investor when he has at least 10 per cent of the capital of an enterprise or 10 per cent of the majority of the decision-making in a company, as well as when he makes an investment of at least 100,000 Euro in value.

2. The criteria, documentation and procedure the grant, refusal, renewal and annulment of a work permit as an investor according to this article are determined by decision of the Council of Ministers.

Article 59

Renewal and annulment of work permits

1. Work permits may be renewed for the same time periods if:
- a) the approved activity is still exercised;
 - b) it is the same activity or an extension of it;
 - c) all tax obligations and social security have been satisfied.

2. If a work permit is annulled or not renewed, the foreigner may obtain an extension of his residence permit of six months for leaving the Republic of Albania, if this period is judged to be essential for the liquidation of the company.

Article 60

Work permit for special cases of type “C”

1. A foreigner is granted a work permit for special cases [with a validity] up to one year when he takes part in one or more of the following categories:

- a) he is resident in the Republic of Albania for a time period of no more than one year;
- b) personnel of a trans-frontier carrier of goods and people, when they stay in the territory of the Republic of Albania for more than three months while their headquarters are registered abroad;

c) pupils or students who perform work for teaching of the profession on the basis of agreements for student exchanges and who take part in a work exchange during summer vacations;

ç) persons who install machinery or constructions delivered from a foreign company and who perform services and repairs of the machinery, as well as training Albanian or foreign employee in its use, who stay for more than one month in the Republic of Albania;

d) representatives of not-for-profit organisations who are compensated for their work;

dh) employees of religious and humanitarian institutions recognised and registered with the responsible organs of the Albanian state, who are compensated for their work;

e) members of the crew of ships or airplanes with a temporary residence of more than one year in the Republic of Albania;

ë) business visitors who stay for more than one month in the Republic of Albania;

f) refugees, in conformity with the legislation on asylum and the integration of asylum seekers;

g) victims of trafficking or potential victims, according to the judgment made by the responsible state institutions.

2. The above types of special permits or other types that are not included in the above-mentioned types, the procedures and the documentation related to them are defined by decision of the Council of Ministers.

Article 61 **Continuous work permit of type “D”**

1. A foreigner is issued a continuous work permit of type “D” after having received a second permit with a two-year term and when he meets the following conditions:

a) he has resided and been employed, legally and without interruption, within the territory of the Republic of Albania for five years, except for the cases when it is otherwise provided in bilateral or multilateral agreements to which the Republic of Albania is a party;

b) he has stable and sufficient personal income for himself and the members of his family under his charge at least up to the amount of the minimum annual pay of an Albanian citizen according to the legislation in force;

c) he has full health and social insurance for himself and the members of his family under his charge with a treatment no less favourable than Albanian citizens according to the legislation in force;

ç) he has appropriate housing for himself and the members of his family under his charge;

d) he has good knowledge of Albanian language and culture.

2. Periods of leaving the territory of the Republic of Albania do not interrupt the five-year period and are taken into account in its calculation when they are shorter than six uninterrupted months and do not exceed, in total, 10 months within a five year period.

3. This work permit is issued without taking account of developments and labour market needs in the Republic of Albania and without limitations related to an enterprise, profession, district/region or unit of local government.

4. The following categories are not granted a continuous work permit:

a) a foreigner who has a work permit of type "A/S", "A/FP", "A/PS" and type "C";

b) a foreigner who has a residence permit for temporary protection or who has made a request for this type of residence permit and is awaiting a decision about his status in implementation of international obligations.

Article 62

Regulation of issues related to long-term residents

On the proposal of the Minister of Labour, Social Affairs and Equal Opportunities, the Minister of the Interior, the Minister of Foreign Affairs, the Minister of Integration, the Minister of Education and Science and the Minister of Tourism, Culture, Youth and Sport, the Council of Ministers regulates all issues about the necessary documentation and procedures for obtaining the status of long-term resident, as well as the respective issues about the annulment or loss of this status, the rights that come from it, the determination of the right of free movement and the special conditions for protection from expulsion.

Article 63

Refusal to issue or renew a work permit

A work permit is refused when:

a) six months before submitting a request for a foreigner's work permit, the employer has removed the employee for an indefinite time period;

b) the relations and conditions in the contract do not meet the requirements of Albanian legislation and international conventions for the labour and employment conditions;

c) the required information and documents are not complete or reflect false facts or data;

ç) the foreign employee does not submit a request within the time period set in the provisions of this law for the renewal of the work permit;

d) the employer has refused to employ an unemployed seeker of work offered by the respective employment office who met the conditions defined by the responsible state authorities according to the provisions of this law;

dh) the employer submits the request for a foreigner's work permit within 12 months from the date of punishment for a violation provided in the provisions of this law or for a violation of the labour legislation in force;

e) the pay received by the workers has been below the level set by the collective agreements;

ë) the employer has not satisfied tax [lit. fee] obligations and social insurance contributions;

f) there are important reasons that endanger public health, order and security in the Republic of Albania, except when the foreigner's health condition does not affect the work for which he is recruited.

Article 64

Annulment of a work permit

1. The responsible state authorities have the right to annul a work permit before the time period of its validity, when:

a) it was issued because of fraud or by presenting false information;

b) the documentation accompanying the request is not accurate [and] they have not approved changes proposed in conformity with

the provisions of this law;

c) the foreigner operates or makes propaganda against the sovereignty of the Republic of Albania, national security, the constitutional order and public order;

ç) the temporary residence permit has ended;

d) the foreigner has not been present in the Republic of Albania for an uninterrupted period of more than six months, except when he is sent by the employer to another country or is not present because of education and professional formation, illness, child care or mandatory military service;

dh) the foreigner performs work other than that for which the work permit was issued, except for foreigners who have a continuous work permit.

2. Unemployment will not constitute a sufficient reason to annul a work permit, except when the period of unemployment continues for more than:

a) three months within a 12 month period, in the case of the holder of an employee's residence permit who has legally exercised activity as an employee or a self-employed person in the Republic of Albania for fewer than three years;

b) six months within a 12 month period, in the case of the holder of an employee's residence permit who has legally exercised activity as an employee or a self-employed person in the Republic of Albania for three years and longer.

3. The respective state authorities should notify the Ministry of the Interior within seven working days after the annulment of a work permit.

4. Financial difficulties do not constitute a sufficient reason for the annulment of a work permit as a self-employed person, except when the holder is not in a condition to afford [his] living costs.

Article 65

Appeal against refusal or annulment of a work permit

1. A foreigner is notified in writing of the refusal or annulment of a work permit.

2. Within 15 days from the date of notification of the refusal or

annulment of a work permit, the foreigner may appeal in writing to the minister charged with issues of migration for employment, who renders a decision within 15 days from the date of receiving the appeal. Within 15 days from the date of notification in writing of the minister's decision, the foreigner has the right to appeal against the minister's decision in the court of the place where he has been registered or lives.

Article 66

Sanctions

Sanctions for a violation of the provisions of this chapter are set according to law no. 9634 dated 30.10.2006 "On labour inspection and the State Labour Inspectorate."

Article 67

State tariffs for issuance of a work permit and residence permit

1. A foreigner pays the state tariff before receiving a work permit or residence permit. The amount of the tariffs is set by decision of the Council of Ministers.

2. Income from the state tariffs is transferred to the State Budget.

CHAPTER VI

GENERAL CONDITIONS FOR THE REFUSAL, REMOVAL AND EXPULSION OF FOREIGNERS

SECTION I

REFUSAL OF ENTRY AND STAY

Article 68

Measures for the execution of a refusal of entry

1. The local Border and Migration Police execute an order of refusal of entry or stay in the Republic of Albania according to articles 8 and 9 of this law.

2. When entry is refused, the Border and Migration Police take measures so that the foreigner:

- a) will return to his country of origin;
- b) will return to the territory of the country from which he came;
- c) will set out to a country with which there is a readmission agreement, if he has become subject to readmission;
- ç) will go to any other country where he has the right to enter or stay.

3. Initially, the Border and Migration Police assess whether the foreigner is being expelled for reasons of discrimination, or whether instead of readmission he will be subjected to torture or the death penalty, because of gender, racial, ethnic or linguistic affiliation, political, religious or philosophical beliefs, economic, educational [or] social condition or parental affiliation.

4. If the entry of a foreigner is refused for the reasons given in this article, the Border and Migration Police put the note "REFUSED" on the passport or equivalent travel document and immediately notify the interested person in a language that he understands through an act of refusal approved by order of the Minister of the Interior.

5. A foreigner who has arrived in the Republic of Albania and cannot return immediately for various reasons stays in the area designated for this category of persons until the arrival of the carrier or company that brought him.

6. The foreigner has the right to appeal against the decision of the Border and Migration Police referred to in point 4 of this article to the authority of the State Police one level higher within five days from the date of receiving knowledge.

Article 69

Cooperation with other authorities for refusal of entry and stay

1. The State Information Service, the Ministry of Foreign Affairs and other state authorities that have legal competences in the field of legislation about foreigners may propose to the Border and Migration Police that a foreigner be refused entry or stay in the country if one of the reasons given in article 9 of this law exists.

2. In the act of proposal, the proposing authority also defines

the period of prohibition of entry or stay.

3. The form of cooperation with other state authorities is approved by joint instructions of these authorities.

SECTION II REMOVAL OF A FOREIGNER

Article 70 Order of removal and term of execution

1. The regional local authority responsible for the border and migration issues to foreigners who do not meet the conditions for staying in the Republic of Albania, according to the definitions in articles 8, 25, 28 and 35 of this law, an order of removal for foreigners.

2. The removal order according to this article is an administrative act that contains the reason of refusal, the term within which the foreigner should leave the territory of the Republic of Albania and the border crossing point where he should pass.

3. The maximum term within which the foreigner should execute the removal order is as follows:

a) for a foreigner whose visa has been annulled or revoked, or who has been given the [right to] stay in an irregular manner, no more than 10 days from the date of notification;

b) for a foreigner who has been refused the renewal of his residence permit or when it has been annulled or revoked, no more than 30 days from the date of notification.

4. A foreigner who has a financial obligation and has to liquidate an investment is given a time period of three months from the date of notification.

5. The removal order is communicated to the foreigner in a language that he understands, making known to him the procedures of appeal according to article 71 of this law. The format and content

of the order of removal are set by order of the Minister of the Interior.

Article 71 **Appeal against removal order**

1. A foreigner who is subject to a removal order has the right to appeal within 30 days to the central authority of the Border and Migration Police, which resolves the case within five days.

2. After the decision has been rendered according to point 1 of this article, the foreigner may appeal to the court of first instance within 10 days from the date of the answer of the central authority of the Border and Migration Police. The court resolves the case within 30 days from the date of bringing the appeal.

3. The removal order for a foreigner is executed within 60 days from the date of receipt of notification by the foreigner of the issuance of the removal order, except for the conditions of point 4 of article 70 of this law, where the time period of execution of the removal order is 90 days.

Article 72 **Voluntary execution of removal order**

1. The Border and Migration Police do not execute a removal order if the foreigner declares that he will leave the territory of the country voluntarily.

2. The local Border and Migration Police give priority to the execution of a voluntary return, especially for the following categories [lit. this category] of persons:

a) a captured foreigner who has stayed in an irregular manner in the territory of the country, but who has not brought harmful consequences to public order and security;

b) unaccompanied minors;

c) ill persons, invalids or those with limited capacities;

ç) parents with small children;

d) trafficking victims who want to return to their country of origin;

dh) asylum seekers whose request for asylum has been refused or who have withdrawn the asylum request and have no

income;

e) a foreigner who has regular documents but who does not have the necessary financial means for the stay.

3. In cooperation with international organisations that conduct activities and duties for foreigners, the Border and Migration Police undertake joint programmes for securing financial means to enable the return of the foreigners mentioned in this article to the country of origin.

SECTION III REMOVAL OF A FOREIGNER BY FORCE

Article 73

Removal by force from the Republic of Albania

1. Removal by force is an administrative measure that is undertaken by the Border and Migration Police for the removal of a foreigner from Albanian territory because:

a) he has not left the country within the time periods provided in the removal order;

b) he has not left Albanian territory up to 60 days after the end of validity of the stay visa or the term of stay provided in this law for citizens who enter without a visa;

c) he has not sought the renewal of the residence permit after the end of the period of its validity and the period since the end of validity has exceeded 60 days;

ç) he has been refused asylum, in an irreversible and irrevocable manner, and has not left the country according to the provisions of this law;

d) he has served a sentence rendered by an Albanian court for a wilfully committed crime for which the Albanian criminal legislation provides a minimum punished of one year of prison.

2. If the foreigner becomes subject to removal by force according to this article, he is kept detained in a closed centre according to article 83 of this law, until the order of removal by force is executed.

3. A foreigner who does not have a travel document should appear himself or accompanied by the competent authorities at the

diplomatic and consular representations accredited in the Republic of Albania in order to obtain such a document.

4. If there is no diplomatic or consular representation in the Republic of Albania of the country of the foreign citizen, the central authority of the Border and Migration Police asks for him to be provided with a travel document in the country of origin or in diplomatic and consular representations that are located in the Republic of Albania, through the Consular Directorate in the Ministry of Foreign Affairs.

5. If the diplomatic representation does not agree to issue a travel document, the central authority of the Border and Migration Police, in cooperation with the Ministry of Foreign Affairs, provides the foreigner with a travel document for the purpose of implementing the removal of the foreigner by force.

6. If the foreigner does not obtain a travel document according to points 3 and 4 of this article, the central authority of the Border and Migration Police may issue a *laissez-passer* in implementation of this law.

7. The foreigner is informed in a language that he understands that the administrative measure of removal by force will be executed against him, explaining the reason for the issuance of the order, the date and place where it will be executed, the manner of transporting him to the country of destination and the time period of prohibition of entry. The form of the order of removal by force is approved by order of the Minister of the Interior.

Article 74

Appeal against order of removal by force

1. A foreigner has the right to appeal an order of removal by force within five days to the higher administrative authority of the police, which resolves the case within five days.

2. The foreigner has the right to turn to the court of first instance to appeal an order of removal by force within five days from the date of the response of the higher administrative authority of the police. The court should resolve the case within 10 days.

3. Until the court of first instance renders its decision, the foreigner is kept in the closed centre, under conditions of immediate removal.

SECTION IV EXPULSION OF A FOREIGNER

Article 75 Expulsion order

1. A foreigner may be expelled from the territory of the Republic of Albania only by:

a) an expulsion order issued by the Minister of the Interior, if he has been declared an undesirable person under article 8 of this law or if a request for asylum has been denied by final decision and the foreigner does not agree to leave voluntarily.

b) an expulsion order issued by the central authority of the Border and Migration Police because it has not been possible to execute an order of removal by force because of him.

2. Defined in the expulsion order are:

a) the reasons why he is being expelled [and] the period of prohibition of entry into Albania;

b) in case of readmission, the state where the readmission will be done;

c) the date of leaving;

ç) the border crossing point from which he will leave;

The format of the expulsion order is approved by order of the Minister of the Interior.

Article 76 Procedures and execution of the expulsion order

1. The expulsion order is executed by the local Border and Migration Police, which:

a) take measures for the detention of the foreigner in the closed centre according to article 83 of this law until the expulsion order is executed, which will be done within ten days from the date of

detention or readmission;

b) take fingerprints and palm prints of the foreigner, as well as a photograph;

c) register the expulsion order in a special manner, showing the period of prohibition of entry into the Republic of Albania and the border crossing point from which the foreigner will leave;

ç) annul the residence permit;

d) take measures for the foreigner to be provided with a travel document, a visa and a ticket to travel.

2. The expulsion order enters into force immediately if the presence of the foreigner constitutes a threat to national security and order.

3. The expulsion order and the period of prohibition of entry and stay are noted in the foreigner's travel document.

4. If neither the foreigner nor the person who invited him is financially able to pay the expenses of the foreigner's return to the destination country, the cost of travel will be given as an advance loan by the local Border and Migration Police to be repaid by the person who invited him or the employer, if the foreigner came to the Republic of Albania on the basis of a work contract.

Article 77

Category of persons who are not expelled

1. A foreigner who meets one of the following conditions is not subject to an expulsion order:

a) he has been provided with a permanent residence permit;

b) he was born in the Republic of Albania or has entered as an unaccompanied minor who has obtained a permanent residence permit;

c) he has been provided with a temporary residence permit and has married a foreigner who has a permanent residence permit or an Albanian citizen;

ç) there are grounded reasons to suspect that in his place of origin or in another country, the foreigner will be sentenced to death, will be subjected to torture or inhuman and degrading treatment or will be punished for discriminatory reasons;

d) except when he does not meet the conditions of a stay, an

unaccompanied minor may be expelled only if family reunification or appropriate health care is guaranteed by the country of origin, another country or other institutions;

dh) he is a member of the family of a foreigner who is recognised as a refugee or person under the protection of the Republic of Albania.

2. As an exception, a foreigner may be expelled although the conditions mentioned in point 1 of this article are met if his stay endangers public order and security or constitutes a threat to national security.

3. The provisions of point 1 of this article are not applicable to expulsion as a supplemental punishment given by the court for a criminal offence according to the provisions of the Criminal Code of the Republic of Albania.

Article 78

Appealing an expulsion order

1. A foreigner or his family members have the right to appeal an expulsion order to the court of first instance within 15 days from the date of receiving knowledge in writing of the expulsion order.

2. The decision of the court of first instance may be appealed within five days to the respective court of appeal, which examines the case with priority.

SECTION V

DETENTION OF A FOREIGNER

Article 79

Detention in a closed centre

1. Detention in a closed centre is an administrative measure that is taken and executed by the state authority responsible at the regional/local level for the treatment of foreigners against a foreigner as to whom an order of removal by force or an expulsion order has been issued or for a foreigner readmitted on the basis of international agreements.

2. The foreigner stays detained in the closed centre until the legal procedures are performed enabling his removal from the Republic of Albania to the destination country or, if the removal cannot be accomplished, the provisions of this law are followed.

3. The state authority responsible at the regional/local level for the treatment of foreigners may, for reasons of public security, detain a foreigner whose identity or reasons for the stay are not clear.

4. The foreigner is notified in a language that he understands that he has the right to obtain legal defence, with a lawyer chosen by him or on the court's own initiative, as well as to contact his relatives.

Article 80

Subjects of detention in a closed centre

A foreigner is detained by the Border and Migration Police in a closed centre when:

- a) he has become subject to removal, because:
 - i) he refuses to leave or there are grounded reasons to think that he would create delay or would impede the implementation of a removal order;
 - ii) before the issuance of the removal order, he has committed an administrative violation;
 - iii) even after he has been notified, he has not respected the time periods for appearing at the local Border and Migration Police;
 - iv) he has served a sentence of imprisonment for a wilful crime and is waiting for the conclusion of the removal procedures;
- b) he is subject to an order of removal by force;
- c) he is subject to an expulsion order;
- ç) he is waiting, on the basis of an international agreement, to be returned to his country of origin or the country from which he initially came to the Republic of Albania.

Article 81

Appeal against detention order

1. A foreigner against whom an order of detention in a closed centre has been issued has the right to appeal to the court of first instance about this measure within 10 days from notification in writing of the detention or an extension of the detention.

2. The court of first instance examines the legal support of the measure of detention of the foreigner and orders him to be held in the closed centre or leaves him free.

3. An appeal against the decision of the court is taken within 10 days from the date of announcement of the decision and is examined with priority within a term of 10 days in the respective court of appeal.

Article 82

Length of time of detention in a closed centre

1. A foreigner is detained in a closed centre for a maximum of six months.

2. If the detention has lasted six months, the Border and Migration Police that give the decision of detention in a closed centre may extend the period of detention if the reasons of detention continue to exist, but no more than 12 months.

3. If a foreigner commits a criminal offence during the time he is in a closed centre, criminal prosecution begins against him according to the provisions of the criminal legislation in force.

Article 83

Closed centre

1. When the measure of detention measure is ordered, the foreigner is kept closed up in a centre especially created for foreigners for the purpose of meeting the conditions for the return to the country of origin or the country he came from.

2. The creation and functioning of the closed centre are done by decision of the Council of Ministers.

3. If the foreigner has been released after the commission of a

wilful crime, he is detained in the respective institution. A foreigner detained in a prison institution is kept separate from other persons in pre-trial detention or from other prisoners, and enjoys all the rights and obligations enjoyed by other detainees, according to the Albanian legislation in force.

4. The local Border and Migration Police take immediate measures to care for the members of the family of a detained foreigner who have remained without supervision, putting them in the closed centre.

Article 84

Giving notice to a diplomatic representative

1. At the request of the foreigner, or when it is required by a bilateral agreement, the Ministry of Foreign Affairs immediately notifies the consular or diplomatic representative in Albania of the foreigner's country of the detention of the foreigner in the closed centre, as well as any extension of the period of detention.

2. If the foreigner has sought asylum or enjoys the status of a refugee or other protection from the Republic of Albania, this information will not be made known to the consular or diplomatic representative of his country.

Article 85

Rights of a foreigner detained in a closed centre

1. A foreigner who is staying in a closed centre according to the provisions of this chapter is made aware, in a language that he understands, of every action that is performed by the competent authorities to keep him in the centre.

2. The foreigner has the right to humane treatment with sufficient food, legal assistance at any moment [and] health care.

3. The foreigner enjoys the right to inform the consular representative of his detention. The foreigner enjoys the right to complain to the court of first instance of a violation in the centre of his fundamental rights.

4. If he is readmitted, the foreigner is informed, in a language that he understands, of his rights and obligations on the basis of the Albanian national legislation.

Article 86

Mandatory stay in a specific territory

1. The local Border and Migration Police order the restriction of the personal liberty of a foreigner, ordering him to stay in a specific territory, when:

- a) return, refusal of entry or expulsion cannot be ordered or implemented because of an obligation undertaken by our country in the framework of an international agreement;
- b) he has a residence permit for humanitarian reasons.

2. The foreigner has the right to appeal the order of staying in a specific territory to the court of first instance, according to the legal provisions of the detention order of the foreigner in the closed centre.

3. Judicial review of the detention for purposes of supervision of the foreigners and the decision to stay in a specific territory is not subject to the payment of judicial expenses.

4. The form of the order of a mandatory stay in a specific territory is approved by order of the Minister of the Interior.

Article 87

Detention of unaccompanied minors

As an exception, an unaccompanied minor against whom a detention order has been issued is kept in a social centre opened specially for this purpose by the Minister of the Interior or in cooperation with international organisations that carry out missions for children, victims of trafficking or other categories of individuals in need.

Article 88

Rules of the stay in a specific territory

1. The local Border and Migration Police determine, in the

order to stay in a specific territory, the general rules of the stay, the place and the time length of the stay, as well as notifying the foreigner to appear before the authorities every month. The form of the order to stay in a specific place is approved by order of the Minister of the Interior.

2. While staying in a specific territory, with the approval of the local Border and Migration Police the foreigner may enter into a work relationship with an Albanian or foreign contractor, according to conditions provided by subordinate legal acts in implementation of this law.

Article 89 **Sequestration of ticket or travel document**

1. If a foreigner is subject to an order of removal by force or an expulsion order, the local structure of the Border and Migration Police may sequester his travel ticket or, when the financial coverage cannot be secured in any other way, the necessary sum required for the purchase of the ticket and the travel document, to guarantee the coverage of the costs of travel. The procedures of sequestration are approved by order of the Minister of the Interior.

2. The local Border and Migration Police block the travel documents of the foreigner until the decision of an administrative procedure takes final form or until the fine is paid or until the end of the time period set by the court or by the prosecutor's office.

3. During the time of blockage of the travel documents, the foreigner is issued a document in the nature of an identification document. The form of this document is approved by order of the Minister of the Interior.

Article 90 **Right to indemnification**

1. A foreigner who has received a final decision declaring invalid the order of detention in a closed centre or of the obligation to stay in a specific territory may claim indemnification for the losses caused by the detention or the stay in the specific territory.

2. The cases are an exception to point 1 of this article when the foreigner:

a) has hidden from the authorities, has escaped or has made attempts to do so;

b) by his own actions has impeded the conduct of the legal procedures for the issuance of a detention order or an order to stay in a specific territory;

c) has not declared or has hidden the financial means that he has at his disposition to stay or leave;

ç) has given false information in order to impede the order of detention or to stay in a specific territory.

CHAPTER VII SUPERVISION AND CONTROL OF FOREIGNERS

Article 91 Control of foreigners

In exercise of the duties provided by law, the Border and Migration Police:

a) supervise the implementation by foreigners of the rules established according to this law;

b) perform checks and enter into private premises where the foreigner is staying, if reasonable suspicions exist;

c) ask for travel documents, a residence permit or an identification document;

ç) accompany a foreigner to the police region if he does not have an identification document, residence permit, travel document or any other document proving his identity and which is within the time period of its validity;

d) transport a foreigner as to whom there is a removal order, order of removal by force or expulsion order to the border crossing point;

dh) when necessary, transport a foreigner who has been detained to a health institution to receive medical treatment;

e) accompany and take measures for the return to their destination country of foreigners who are not in order;

ë) take measures for a detained foreigner to appear in court;

f) take security measures for foreigners who have been put in a closed centre to appear before the judicial authorities;

g) accompany foreigners to a diplomatic or consular

representation for the purpose of holding the required interview in order to secure travel documents and return them to the institution where the detention is being carried out.

Article 92
Obligation of foreign citizens
to give notice of place of stay/residence

A foreigner makes the Border and Migration Police aware within 30 days of the place where he is staying or his residence, submitting the following data:

- a) identification data such as citizenship and the address of the place where he is staying;
- b) the date of issuance and the serial number of the visa;
- c) the date the stay began and the expected date of the end of the stay in the place in question where he is staying;
- ç) the place, time and date of entry;
- d) the date of issuance and the serial number of the residence permit.

Article 93
Loss/damage of documents issued

1. A foreigner reports immediately, but no later than 10 days, the loss or damage of his travel document or residence permit to the issuing authority or the local Border and Migration Police where he has his temporary residence, which issue a temporary certificate in this case.

2. The certificate issued according to point 1 of this article is valid until the receipt of a new identification document or the lost residence permit, which is surrendered to the responsible issuing authority. The form of the certificate issued according to this point is approved by decision of the Council of Ministers.

3. The local Border and Migration Police announce that the travel document or residence permit of the foreigner are being sought.

Article 94

Provision of a travel document

1. Diplomatic representations of the Republic of Albania issue valid travel documents with one entry for a foreigner who has emigrated in a regular manner or has a residence permit whose documents have been lost or were damaged abroad and cannot be replaced there and, consequently, cannot return to the Republic of Albania.

2. On the request of the interested party, the central authority of the Border and Migration Police issues a travel document for a foreigner who has a residence permit and will travel outside the country for a period of up to two years, giving him the right to return to the country although he does not have a valid travel document of the country of origin and cannot replace it for reasons outside his control.

3. The central authority of the Border and Migration Police issues a travel document giving the foreigner the right to one entry in order to return to the place of his permanent residence when this document has been lost or has been destroyed and cannot be replaced.

4. For purposes of travel abroad, the central authority of the Border and Migration Police issues a travel document to a stateless person who lives in the Republic of Albania, giving him the right to return to the country within the period of its validity. This document is valid for a two-year period from the date of issuance.

5. The travel documents are approved by decision of the Council of Ministers.

Article 95 Obligations of the carrier

1. A transport agency should verify, before take off, whether foreigners who are travelling to the Republic of Albania have valid travel documents and a visa, if required, and should also present in a full and accurate manner a list of the personnel and the travellers.

2. The transport agency remains responsible for the return of a

foreigner to the country of origin or a country that is obligated to accept him on the basis of a readmission agreement, if the entry of foreigner takes place because of the absence of the necessary documents for entry into the Republic of Albania.

3. When the return cannot be accomplished immediately, the carrier pays the cost of the foreigner's stay until the moment of return.

4. The local Border and Migration Police that refused entry may impose a fine on the agency that transported the refused foreigner, except when the entry was refused because of failure to fulfil the conditions of the foreigner's entry and stay in the Republic of Albania or the invalidity of the visa.

Article 96

Obligations for social services and employers

1. Public services, local organisations and administrations, public interest companies and social insurance institutions are obligated not to offer their services to foreign citizens who do not have a valid travel document and residence document recognised by this law [and] a valid residence permit or visa and who do not prove that they have entered the territory and stay in it in a legal manner. Hospitals and health centres are excluded from the above obligation if foreign citizens should receive medical service.

2. Employers who have employed foreign citizens should immediately inform the state authority at the regional/local level responsible for the treatment of foreigners and the state authority responsible at the local level for the employment of foreigners of every foreign citizen whom they employ and for every change in their employment status such as an extension of the employment contract or its conclusion.

Article 97

Obligations for notaries

When preparing notarial declarations in which foreign citizens are participants and appear in the territory or declare accommodation or residence in Albania, notaries are obliged to ask

whether they have a regular residence in Albania and whether they have a visa or residence permit and to put this in the notarial declaration. Excluded are cases of the authorisation of lawyers for a court appearance instead of foreign citizens.

Article 98

Obligations for individuals and subjects

1. It is prohibited to lease immovable property to foreign citizens who do not have a valid document recognised by this law or do not have a valid residence permit and visa.

2. The managers of hotels and vacation centres should inform the state authority at the regional/local level responsible for the treatment of foreigners of the arrival and departure of foreign citizens whom they receive at their premises.

CHAPTER VIII

COLLECTION AND ADMINISTRATION OF PERSONAL DATA

Article 99

Collection of data and evidence

1. The competent state authorities collect and administer data about foreigners, which are registered in the national registry of foreigners for their identification. The collection and evidencing of the data are further regulated by joint order of the Minister of the Interior, the Minister of Foreign Affairs and the Minister of Labour, Social Affairs and Equal Opportunities.

2. The national registry of foreigners consists of registers that contain the data collected according to this law on:

a) foreigners who enter, transit or leave the Republic of Albania;

b) Albanian or foreign natural or legal persons who issue an invitation or give a guarantee for the entry of a foreigner into the Republic of Albania;

c) foreigners who have made a request for a visa, residence permit [or] employment or self-employment permit, also giving the reason for issuing or refusing them;

ç) visas, residence permits and employment permits issued, as

well as their term;

- d) foreigners who report the loss of travel documents;
- dh) foreigners whose entry or stay in the Republic of Albania is refused, giving the reasons, time period and length of detention, as well as those returned on the basis of a readmission agreement;
- e) foreigners who are kept in a closed centre or who are to stay in a specific zone of the territory.

3. The central authority of the Border and Migration Police collects and administers these personal data about foreigners with a temporary residence in Albania, as follows:

- a) the date of entry into the country and the place of stay, as well as the reasons for the stay;
- b) the identification data of the travel document;
- c) a photograph and signature;
- ç) fingerprints;
- d) the reason for entry into the Republic of Albania;
- dh) the number of the permit, the period of validity, the renewal;
- e) the refusal of a request for the issuance or extension of a permit, the withdrawal of the permit and the reasons;
- ë) the civil status of the foreigner;
- f) his profession and qualifications;
- g) the date of the last exit;
- gj) registration data for the automobile used and registered abroad.

Article 100

Use of data

1. The authorities competent for the treatment of foreigners administer and use the data collected about foreigners and also put them at the disposition of the organs of justice, the organs of national security, the authorities for refugees and the regional authorities that deal with foreigners and are interested in this field.

2. The competent authorities, in cooperation, collect and register these data about the foreigners as to whom there is a removal order, an order of removal with force or an order of expulsion or who are subject to a prohibition of entry and stay:

- a) personal data;
- b) citizenship (stateless status);

- c) place of permanent residence abroad;
- ç) the legal basis for imposing the prohibition and its term;
- d) the name of the agency that took the decision;
- dh) the fingerprints of the person removed (expelled).

3. The data collected and administered according to this law, and in implementation of the law for the collection and administration of data, are kept and used by the Border and Migration Police.

4. For legal reasons, the following have the right to collect, administer [and] exchange data about foreigners and ask for it to be put at their disposition:

- a) the authorities competent for issues of citizenship;
- b) the authorities competent for employment of foreigners;
- c) the competent financial and customs authorities;
- ç) the competent authorities of civil status in the administrative area where the foreigner lives.

5. The central authority of the Border and Migration Police, in cooperation with other state organs for the treatment of foreigners, collects, administers, exchanges and preserves these personal data of a natural or legal person who has given an invitation:

- a) general personal data and his citizenship (stateless status);
- b) the address or headquarters;
- c) the length of time of the invitation as to which the commitment has been undertaken;
- ç) the serial number of registration of the invitation or, if applicable, the refusal of the invitation by the authorities.

Article 101 **Preservation of data**

1. The authorities competent for the treatment of foreigners who collect and administer data about foreigners according to articles 99 and 100 of this law preserve them for a five year period after the expiry of validity of the visa or temporary residence permit.

2. Data collected by the police are preserved for a five-year period from the making of a request for a visa or temporary residence permit or a one-year period from the end of the administrative or criminal procedure.

**CHAPTER IX
INTEGRATION OF FOREIGNERS
INTO ECONOMIC, SOCIAL AND CULTURAL LIFE**

**Article 102
Assistance for integration of foreigners**

1. The authorities responsible for the implementation of the law should assure conditions for the integration of foreigners who have the right to stay in the Republic of Albania into economic, cultural and social life.

2. For the integration of the foreigners:

a) Albanian language courses are organised, as well as other forms and courses for professional advancement and formation;

b) information is secured about the rights of foreigners and the possibilities of integration into Albanian society;

c) activities are organised for the teaching of history, culture, civilisation and the legal system of the Republic of Albania;

ç) meetings are organised on the occasion of various occurrences where Albanian citizens also take part for mutual understanding, knowledge and promotion.

**Article 103
Included institutions and organisations**

1. The public institutions cooperate, according to their competences, with social partners, non-profit organisations and international organisations for the promotion and implementation of programmes of integration of foreigners into society.

2. In all the activities conducted, the public institutions and non-profit organisations [lit. NPOs] offer foreigners protection against any kind of discrimination.

3. Direct and indirect discrimination by public and private legal persons is prohibited during the entire process of migration for employment.

CHAPTER X

SANCTIONS

Article 104 Punitive measures

1. A violation of the provisions of this law, when it does not constitute a criminal offence according to Albanian legislation, constitutes an administrative infraction and is punished by a fine from the respective authorities, in compliance with law no. 7697 dated 07.04.1993 "On administrative infractions," as follows:

a) a foreigner who opposes or does not meet the requirements for verifying identity, citizenship or related to other issues, in compliance with this law and the acts in implementation of it, is punished by a fine of from 10,000 lek to 20,000 lek;

b) a foreigner who violates the time periods defined in this law, does not notify or inform about issues according to the definitions made by the legislation on foreigners, is punished by a fine of from 10,000 lek to 15,000 lek;

c) Albanian or foreign persons who agree to house or support foreign citizens in violation of the provisions of this law without reporting to the immigration authorities are punished by a fine of from 300,000 lek to 400,000 lek;

ç) Albanian or foreign persons who do not keep a register of data about foreigners according to this law and the acts in implementation of it are punished by a fine of from 50,000 lek to 100,000 lek;

d) a foreigner who loses the passport for foreigners or the documents issued by the migration authorities and does not give notice within the time period provided is punished by a fine of from 10,000 lek to 15,000 lek;

dh) a foreigner who does not appear for examination with the state sanitary inspector within 10 days after notification of this request of the competent organs is punished by a fine of from 10,000 lek to 20,000 lek;

e) a foreigner who changes the destination of activity from that for which he received permission from the competent organs, or who stays in the Republic of Albania for a reason different from that for which the residence permit or visa was issued, is punished by a fine of from 200,000 lek to 300,000 lek;

ë) the state organs, legal or natural public persons, who do not implement the obligations coming from the provisions of this law are

punished by a fine of from 200,000 lek to 300,000 lek;

f) carriers who do not report or submit, in a full and accurate manner, the list of personnel and travellers, are punished by a fine of from 300,000 lek to 400,000 lek;

g) parents or legal guardians who do not perform, for children under the age of 18, the legal responsibilities according to the provisions of this law are punished by a fine of from 300,000 lek to 400,000 lek;

gj) an employer or employee who enters into a work relationship illegally, violating the provisions defined by this law and the subordinate legal acts in implementation of it for the employment of foreigners, is punished by a fine of from 350,000 lek to 400,000 lek;

h) a foreigner or Albanian citizen who enters into a marriage of convenience in order to gain a residence permit without having serious marital purposes is punished by a fine of from 350,000 lek to 400,000 lek.

2. The form of the administrative measure is approved by decision of the Council of Ministers.

Article 105 **Execution of punitive measures**

1. The appeal and execution of the punitive measures is done in compliance with law no. 7697 dated 07.04.1993 "On administrative infractions."

2. An appeal may be taken against a decision imposing a fine to the immediately higher organ or to the district court, the decision of which is final,.

3. A foreigner may also pay the fine in foreign currency, according to the daily exchange rate with the Albanian lek.

CHAPTER XI **TRANSITIONAL AND FINAL PROVISIONS**

Article 106 **Transitional provision for work permits**

1. Foreigners who have obtained a one-year work permit according to law no. 8492 dated 27.05.1999 "On foreigners," the term of which ends after the entry of this law into force, will, if the conditions for which the permit was granted remain the same, be granted a work permit:

a) renewed, two consecutive times, with a two-year term of validity;

b) continuous, after the end of validity of the second permit, with a two-year term.

2. Foreigners who have obtained a one-year work permit renewed one consecutive time according to law no. 8492 dated 27.05.1999 "On foreigners," the term of which ends after the entry of this law into force, will, if the conditions for which the permit was granted remain the same, be granted a work permit:

a) renewed, with a one-year term of validity;

b) renewed, with a two-year term of validity, after the term of validity ends according to letter "a" of point 2 of this article;

c) continuous, after the end of validity of the permit with a two-year term according to letter "b" of point 2 of this article.

3. Foreigners who have obtained a one-year work permit renewed two consecutive times according to law no. 8492 dated 27.05.1999 "On foreigners," the term of which ends after the entry of this law into force, will, if the conditions for which the permit was granted remain the same, will be granted a work permit:

a) renewed, with a two-year term of validity, after the term of validity for the preceding renewed work permit ends;

b) continuous, after the end of validity of the permit with a two-year term according to letter "a" of point 3 of this article.

4. Foreigners who have obtained a long-term five-year work permit according to law no. 8492 dated 27.05.1999 "On foreigners" have the right, if the five-year term of the permit is completed after the entry of this law into force, to be granted a continuous work permit of type "D" in conformity with the procedures and requirements provided in this law.

5. Foreigners who have obtained a long-term five-year work permit and have submitted a request for its renewal before the entry of this law into force have the right to be granted a continuous work

permit of type “D” in conformity with the procedures and requirements provided in this law.

6. The criteria, documentation and procedure for the grant, renewal, refusal and annulment of a work permit for foreigners according to points 1, 2, 3, 4 and 5 of this article are determined by decision of the Council of Ministers.

Article 107

Final provisions for work permits

Work permits issued to employees or self-employed persons in implementation of the provisions of the legislation in force before the date of the entry of this law into force are valid until the end of the date of their validity [lit. ending], so long as they are not annulled by the responsible state authorities or do not become invalid according to the provisions of this law.

Article 108

Subordinate legal acts in implementation of the law

The Council of Ministers is charged with issuing, within four months from the entry into force of this law, subordinate legal acts in implementation of articles 13 points 1 and 2, 14 point 5, 15 points 1 and 3, 16 point 4, 19 point 6, 24 points 1 and 4, 30 point 3, 32 point 1 letter “dh,” 36 point 3, 37 point 4, 39 point 2, 48 point 2, 58 point 2, 60 point 2, 62, 67 point 1, 83 point 2, 93 point 2, 94 point 5 and 104 point 2.

Article 109

Repeals

Law no. 8492 dated 27.5.1999 “On foreigners,” as well as every other legal and subordinate legal act that conflicts with the provisions of this law, is repealed.

Article 110

Entry into force¹

¹ The publication date was 1 August 2008, so it could have entered into force at any time on or after 16 August; 1 December was, as indicated, the date chosen.

This law is effective 1 December 2008.

**Promulgated with decree no. 5837 date 29.7.2008 of the
President of the Republic of Albania, Bamir Topi**