



**REPUBLIC OF ALBANIA
THE PARLIAMENT**

LAW

No. 108/2013

ON ALIENS¹

Based on articles 78 and 83, point 1 of the Constitution, upon proposal of the Council of the Ministers,

¹ This law is fully compatible with:

Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code)", CELEX Number 32009R0810, Official Journal of European Union, L Series no. 243, of 15 September 2009, pp 1–58.

Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals". CELEX Number 32009L0052, Official Journal of European Union, L Series no. 168, of 30 June 2009, pp 24–32.

Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment. CELEX Number 32009L0050, Official Journal of European Union, L Series no. 155, of 18 June 2009, pp: 17–29.

Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals. CELEX Number 32008L0115, Official Journal of European Union, L Series no. 348, of 24 December 2008, pp 98–107.

Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purpose of scientific research". CELEX Number 32005L0071, Official Journal of European Union, L Series no. 289, of 3 November 2005, pp 15–22.

Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data. CELEX Number 2004L0082, Official Journal of European Union, L Series no. 261, of 6 August 2004, pp 24–27.

Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities"

Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service". CELEX Number 32004L0114, Official Journal of European Union, L Series no. 375, of 23 December 2004, pp 12–18.

Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents. CELEX Number 32003L0109, Official Journal of European Union, L Series no. 16, of 23 January 2004, pp 44–53.

COUNCIL DIRECTIVE 2003/86/EC of 22 September 2003 on the right to family reunification". CELEX Number 32003L0086, Official Journal of European Union, L Series no. 251, of 3 October 2003, pp 12–18.

Council Framework Decision 2002/946/JHA of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence". CELEX Number 32002F0946, Official Journal of European Union, L Series no. 328, of 5 December 2002.

Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation. CELEX Number 32000L0078, Official Journal of European Union, L Series no. 303, of 2 December 2000, pp 16–22.

Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services. CELEX Number 31996L0071, Official Journal of European Union, L Series no 18, of 21 January 1997, pp 1–6.

**PARLIAMENT
OF THE REPUBLIC OF ALBANIA
DECIDED:**

**CHAPTER I
GENERAL PROVISIONS**

Article 1
Object of the law

This law regulates the regime of entry, stay, employment and exit of aliens into and from the Republic of Albania. The law stipulates the functions and competencies of the State authorities and other entities, be they public or private, Albanian or foreign, carrying out activities in the Republic of Albania which are related to aliens who seek to enter, those who enter, stay and exit from the Republic of Albania. International agreements concluded with the government of other countries, ratified by law, may foresee special and more favourable provisions for the citizens of these countries, which shall apply with reciprocity.

Article 2
Scope of application

1. Aliens who enter or seek to enter in the Republic of Albania intending to stay, transit, engage in employment, study, and their exit from the Republic of Albania.
2. The provisions of this law related to the stay and employment of the aliens shall not apply to the personnel of diplomatic missions and consular posts, for the members of United Nations missions and other specialized institutions of the United Nations, for the members of the international organizations and missions accredited in the Republic of Albania or for their family members.

Article 3
Definitions

In this law, the following terms shall have the following meaning:

1. "Alien" shall mean a person who, whether a citizen or a stateless person, is not an Albanian national.
2. "Stateless person" shall mean any person who does not hold any citizenship.
3. "Expulsion" shall mean the execution of the obligation to return the alien, subject to an expulsion order, the persons declared undesirable, as well as the execution of the forced removal order by the authorities foreseen in this law.
4. "Foreign travel document" shall mean the travel document issued by the competent authorities, i.e a passport, identity card or laissez passer or any other certificate or document, in conformity with an international agreement or international law, which proves the identity and/or citizenship/stateless status of the holder for travel

purposes.

5. "Travel Document for the Aliens" shall mean laissez – passer for the aliens, the travel document for the stateless person, as well as the travel document for refugees, issued by the Albanian authorities in accordance with the respective legislation in force.

6. "Carrier" shall mean a natural or legal person, registered for the provision of the transport service of passengers.

7. "Employer" shall mean any legal or natural person under whose direction the alien performs a work or service against remuneration.

8. "Illegal (unlawful) employment" shall mean employment of an illegally staying alien in the territory of the Republic of Albania.

9. "Seasonal workers" shall mean an alien, employed in the territory of the Republic of Albania, in a sector which activities are dependent on the seasons, following a fixed time contract which does not exceed six months in a calendar year and for a specific job.

10. "Highly qualified worker" shall mean an alien employed in the Republic of Albania, according to the special rules foreseen by the legislation regulating employment, who is remunerated for the job which requires specific relevant experience, proved by a certificate of high professional qualification.

11. "Key Personnel" are the persons who perform the role of negotiators (business visitors), for the establishment of a commercial activity and conclude agreements for the services they provide; for the management of the enterprise or a department / sector and also the supervision and the control of the work of other employees.

12. "Certificate of high professional qualification" shall mean the university diploma, undergraduate degree or other qualification courses degree, recognized by the legislation in force on education and vocational training.

13. "Responsible state authorities" are the state bodies, and any other structure dependent on them, which perform functions in the area of legislation on aliens, based on the competences recognized by law or bylaws in implementing the law.

14. "Family members" of the alien are the spouse; partner, which partnership has a stable and proved nature; minors, unmarried children, part of the family composition, including the children under guardianship and children adopted upon a court decision or a directly applicable decision based on the international obligations of the Republic of Albania or a decision which must be recognized in compliance with the international obligations, as well as the adult children, unmarried, when they objectively cannot fulfil their needs due to their health situation; direct descendants, under his/her custody or his/her spouse custody, according to the legislation of the country of origin, and who do not enjoy proper family support in their country of origin.

15. "Family reunification" shall mean the entry and stay in the Republic of Albania of family members of an Albanian citizen who do not hold the Albanian citizenship or the citizenship of the alien, resident in the Republic of Albania, in order to preserve the family unit, whether the family relationship arose before or after the entry of the resident in the Republic of Albania, in the case of family reunification of the alien.

16. "Certificate of registration" shall mean the document issued by the responsible state authority to the alien employed in the Republic of Albania who is exempted from the obligation to be provided with a work permit.

17. "Return" shall mean the process of an illegally-staying alien going back,

whether in voluntary compliance with an obligation to return, or enforced - to:

- his or her country of origin; or
- a country of transit in accordance with bilateral/multilateral readmission agreements or other arrangements; or
- another country to which the illegally-staying alien voluntarily decides to return and in which he/she will be accepted.

18. "Illegal stay" shall mean the presence in the territory of the Republic of Albania of an alien who does not fulfil or no longer fulfils the requirements for entry stay or residence in the territory of the Republic of Albania.

19. "Return decision" shall mean an administrative act or judicial decision of the Albanian authorities which states that the stay of the alien in the territory of the Republic of Albania is illegal and it rules or declares the obligation for the return of the alien.

20. "Voluntary removal" shall mean the fulfilment of the obligation to return, within the time limit set for this purpose in the return decision.

21. "Application for asylum" shall mean any statement done by the alien seeking protection or complementary protection in the Republic of Albania, in compliance with the legislation on asylum in the Republic of Albania.

22. "Work permit" shall mean the authorisation issued by the responsible state authority to an alien for business purposes, employment, self – employment or vocational training.

23. "Residence permit" shall mean the authorisation issued by the competent authorities which allows the alien to stay in the Republic of Albania more than 90 days within 180 days.

24. "Prohibition of entry" shall mean a restrictive administrative measure against an alien, stated in an administrative or judicial decision, which prohibits entry and stay in the Republic of Albania for a certain period of time.

25. "Vulnerable Persons" shall mean minors, unaccompanied minors, disabled people, elderly, pregnant women, single parents with minor children, as well as persons who have been subjected to torture, rape or other forms of severe psychological, physical and sexual violence.

26. "Frontier worker" shall mean any alien who travels from an area in the vicinity of the border between two countries to the Republic of Albania, to perform employment activities, provided that he/she returns to his/her permanent residence every day or at least once a week.

27. "Refugee" shall mean any person, qualified as such, in accordance with the legislation in force on asylum.

28. "Readmission" is the international obligation of the Republic of Albania to readmit aliens returned by the state with which it is party to an international agreement according to the obligations determined in that agreement.

29. "Voluntary service" shall mean a programme of activities of practical solidarity, based on activities recognized in the Republic of Albania, in pursuance of general interest objectives.

30. "Researchers and experts" shall mean aliens who have specialized knowledge which are essential for the service, research equipment, and have a high qualification level for the activity performed by the enterprise or the research institution

31. "Unaccompanied minor" shall mean an alien, minor who enters the territory of the Republic of Albania unaccompanied by an adult who is responsible for him/her

and for as long as he/she is not been taken under the care of such person, or a minor who is left unaccompanied after that entry to the territory of the Republic of Albania.

32. "Visa" shall mean an authorisation, issued in the form of a visa sticker by the competent authorities, in accordance with the procedures set in this law, in a valid travel document, which allows the alien to enter, stay or transit in the Republic of Albania, in conformity with the legislation in force and which format is approved by Decision of the Council of Ministers.

Article 4

Authorities responsible for the treatment of aliens

For the purpose of this law:

1. The central state authority, responsible for the treatment of aliens who seek to enter and stay in the Republic of Albania, is the structure responsible for border and migration.

2. The central state authority responsible for the treatment of aliens, who seek protection and refugees, or persons under complementary protection, is the structure responsible for citizenship and refugee issues.

3. The central state authority, at regional / local level, responsible for the treatment of aliens who seek to enter and stay in the Republic of Albania is the regional structure responsible for border and migration.

4. The central state authority, responsible for handling the requests for visas, is the structure responsible for consular issues.

5. The authority responsible for accepting requests for visas and for the issuance of visas are the diplomatic representations, the consular offices abroad as well as the local authority responsible for border and migration at the Border Crossing points for the cases foreseen in this law.

6. The central State authority, responsible for handling the employment relations of the aliens in the Republic of Albania, is the authority responsible for migration issues in the ministry responsible for employment.

7. The State authority, responsible at local level for the employment of the aliens, is the respective employment office.

8. The coordinating State authority for establishing the annual quotas of employment for the aliens is the ministry responsible for economy.

9. The State authority, responsible for assessing the threats to the national security is the State Information (Intelligence) Service at central level.

10. The State authority, responsible for assessing the threats to public safety is the responsible structure of the state police.

11. The State authority, responsible for assessing the risk to the public health is the ministry responsible for health.

12. The central State authorities, responsible for drafting and implementing the national programme for the social integration of the aliens who are legally staying in the Republic of Albania, are the ministry responsible for employment and social issues, ministry responsible for education and science and ministry responsible for tourism, youth and sports.

Article 5
Specific obligations and restrictions on the alien

1. The alien, during entry, stay and exit from the Republic of Albania, shall observe the Constitution, the laws in force and the decisions of the state authorities.
2. The alien whose movement is restricted to a certain area shall be obliged to move only within such area.

CHAPTER II
ENTRY INTO THE REPUBLIC OF ALBANIA

SECTION I
General conditions

Article 6
Criteria of entry, stay, exit and transit

1. The alien intending to enter into, stay and transit through and exit from the Republic of Albania, except for the asylum cases and where otherwise determined by the bilateral or multilateral agreements, must appear in person at the border crossing point following the fulfilment of the conditions:
 - a) hold a valid travel document recognized by the Republic of Albania with a validity period of at least 3 months before its expiry date;
 - b) be issued with a valid entry visa if required or valid residence permit issued by the competent Albanian authorities, or issued by other countries and recognized by the Republic of Albania;
 - c) not be a threat to public order and security, national security and international relations of the Republic of Albania with other countries;
 - ç) not to have remarks in the national electronic register which prohibit the entry of the alien;
 - d) not pose a threat to public health in the Republic of Albania;
 - dh) not to be a debtor because of administrative measures imposed on him/her, according to the provisions of this law;
 - e) based on a case by case assessment, the alien may be required to present other additional documents, which type is approved by decision of the Council of Ministers;
2. Entry and exit of the Albania in and from the Republic of Albania within the same day shall be calculated as one day of stay.
3. The alien, in case of transit through the Republic of Albania, must produce evidence that his/her entry to the country of destination is allowed and he/she will exit from the territory of the Republic of Albania.
4. If a minor is unmarried, he/she must be accompanied by adult persons. If the minor is not accompanied by adults, he/she shall cross the Border Crossing Points only if provided with an authorization by the parent/s or legal guardian. If minors, pre-school pupils enter the country in organized groups, they must be accompanied at least by one representative authorised by the institutions they belong to; the representative must keep

a collective nominal list signed by the head of the undergraduate educational establishment.

5. The alien who is included in the travel document of another person may enter and exit the Republic of Albania only if accompanied by the person in whose document he/she is recorded.

6. The alien who has more than one citizenships during the stay in and exit from the Republic of Albania shall use the travel document used for entry to the Republic of Albania.

7. Crew members of Albanian or foreign vessels issued by the port authorities of the country of origin with an identity document which includes a photograph, shall have the right to enter into and transit through the territory of the Republic of Albania at the port's border crossing point and stay up to 90 days within 180 days in the territory where the port is located without being issued with a residence permit. The crew members of vessels shall be provided with residence permit for stay over 90 days within 180 days according to the procedures defined by the legislation in force.

8. Crew members of an aircraft issued by the Civil Aviation Authority of the country of origin with an identity document which includes a photograph shall have the right to enter into and leave the territory of the Republic of Albania in conjunction with a flight that is part of their normal engagement without being issued with visa in their travel document. Crew members of an aircraft leave the Republic of Albania on the next scheduled flight under their engagement.

9. Railway employees engaged in railway shipments of goods or passengers may travel to a cross-border handover point on the train and stay at the cross-border handover point if they produce an identity document with a photograph as agreed separately in the agreement on railway transit traffic between bordering countries.

10. Residents of bordering areas, determined by bilateral agreements recognized by the Republic of Albania, may enter and stay in the Republic of Albania, based on a border document, issued in implementing the agreement for cross-border traffic.

11. The staff of international organisations, in the framework of performance of duties and missions entrusted on them, may enter, stay, transit and exit the Republic of Albania, making use of a laissez passer issued by them or any other document which is valid based on international agreements, recognized by the Republic of Albania.

Article 7

Irregular entry of an alien into the Republic of Albania

1. The alien shall be considered to have entered irregularly the Republic of Albania, if he/she;
 - a) crosses the state border outside the place or time designated for crossing the state border;
 - b) avoids border control;
 - c) enters the territory of the Republic of Albania during the prohibition of entry and stay in the Republic of Albania;
 - ç) enters the territory of the Republic of Albania with the document of another person, a forged travel document or other document which is not authorized for entry into the territory of the Republic of Albania

2. An alien is considered to have entered irregularly the Republic of Albania, if such entry is not proved by lack of official notes made according to the legal procedures in force in the travel document of the alien or notes in the electronic system of border control.

Article 8

Exit of aliens from the Republic of Albania

1. Aliens may freely depart from the territory of the Republic of Albania.
2. The alien shall be considered to have departed or fulfilled the obligation to depart the Republic of Albania only if such departure is proved through the official notes made according to the legal procedures in force in his/her travel document or notes made in the electronic system of border control.
3. An alien shall be prohibited to depart from the Republic of Albania if he/she acts contrary to the Albanian legislation, performing the following actions:
 - a) during his/her departure from the Republic of Albania, he/she uses another person's or forged travel or other invalid travel document, or;
 - b) he/she is recorded in another person's travel document and during departures from the Republic of Albania he/she is not accompanied by the person in whose travel document he/she is recorded, or
 - c) he/she intends to flee criminal prosecution or prosecution for an offence, detention, arrest or enforcement of an imprisonment sentence.

Article 9

Persona non grata

1. Minister of the Interior, for major interests of the state, constitutional and legal order, national security and public order, upon a motivated order shall declare an alien persona non grata if he or she:

- a) acts or propagates against sovereignty of the Republic of Albania, national security, constitutional order and public order and security;
- b) is a member of terrorist organisations or supports and undertakes anarchist actions against the rule of law;
- c) is a threat to the country or threatens relations of the Republic of Albania with other countries;
- ç) is suspected of entering and staying in the territory of the Republic of Albania to commit a crime or actions which pose a threat to the Republic of Albania;
- d) is involved in organised crime, trafficking in human beings, drugs, and any other illicit trafficking, based on the information received by the responsible institutions of national security.

2. The alien shall be declared persona non grata for a period of no less than 5 years from the date of declaration and his or her entry or stay in the Republic of Albania during this period shall be refused.

3. Minister of the Interior, at the request of the alien, may reconsider the application for entry, visa or residence permit, if the alien has committed one of the above mentioned acts when he or she was a minor.

4. The procedure of declaring an alien persona non grata by the Minister of the Interior and the sample of the Order of the Minister declaring an alien persona non grata shall be approved by Instruction of the Minister of the Interior.

Article 10

Refusal of entry at the border

1. The authority responsible for border and migration, except for the cases of non-fulfilment of one of the general required conditions laid down in article 8 of this law, shall refuse the entry at the border of the alien, issued or not with a visa, if:

- a) the concrete terms based on which visa was issued have changed;
- b) the concrete terms, based on which it is made possible the issue of residence permit have changed or the residence permit is cancelled according to the provisions of this law;

2. Exemption from the requirements of letter (c), point 1 of article 6 of this law shall apply to the aliens who:

- a) reside legally in the Republic of Albania and are provided with residence permit;
- b) are aliens who apply for asylum or temporary protection;
- c) are provided with type “D” visa;
- ç) are provided with diplomatic passports.

3. The authority responsible for border and migration, in case of refusal of entry at the border, shall provide the alien with the Order of Refusal of entry which, inter alia, states the reason/s for refusal of entry. The procedure of refusal of entry and the template of the order of refusal of entry shall be approved by Instruction of the Minister of the Interior.

4. The alien shall have the right to appeal against the refusal of entry.

Article 11

Measures for enforcement of the refusal of entry

1. The local authority responsible for border and migration shall enforce the order of refusal of entry into the Republic of Albania, in the cases laid down in article 10 of this law.

2. In case of refusal of entry, after communication in a language or form of communication understood by the alien, the responsible authority for border and migration shall take measures that the alien returns:

- a) to the country of origin;
- b) to the territory of the country of transit;
- c) to the country in accordance with readmission agreements, if he or she has become subject of readmission;
- ç) to another country the alien has the right to enter or reside.

3. The authority responsible for border and migration in case of refusal of entry of the alien for the reasons mentioned in article 10 of this law shall put in the passport or the travel document of the alien, equivalent to the passport, the symbol determined by instruction of the Minister of the Interior and it shall notify the person, in a language of

his or her understanding, through an act of refusal, which template shall be approved by instruction of the Minister of the Interior.

4. The alien, who has entered into the Republic of Albania and who, because of different reasons, may not be returned immediately, shall reside in the area determined for this category of persons until the arrival of the Travel Company or carrier that transported the alien.

5. The procedure of restricting the alien subject to be returned at the border within the defined area shall be approved by instruction of Minister of Interior.

Article 12 **Inviting the alien**

1. Host is the Albanian or foreign national residing in the Republic of Albania, or the Albanian or foreign legal person who performs activity based on the Albanian legislation, who declared in writing the assuming of liability for the stay and departure of the alien from the Republic of Albania, according to the legal provisions in force.

2. A natural or legal person, Albanian or foreign, resident in the Republic of Albania may invite an alien to enter into the country with visa, if the alien fulfils the conditions and the host commits himself/herself to:

a) provide accommodation to the alien during the period of stay in the Republic of Albania and his/her return to the country of origin or to the country of transit to the Republic of Albania;

b) cover the costs for return of the alien to the country of destination if a removal order, forced removal order or expulsion order is issued against the alien, and the latter has no financial means.

3. The invitation shall be send to the alien and the host shall deposit a copy of the invitation with the regional authority responsible for border and migration of the place of residence or domicile of the host.

4. The central authority responsible for border and migration in cooperation with the responsible authorities of the relevant ministry, may require, for defined time periods, to the extent necessary, and for the purpose of preventing illegal migration, that prior to their entry into the Republic of Albania the citizens of the countries exempted from the visa requirement be provided with the invitation. The procedure for the taking of such decision is approved by joint instruction of the Minister of the Interior and Minister of Foreign Affairs.

5. The form and content of the invitation shall be approved by Joint Instruction of the Minister of the Interior and Minister of Foreign Affairs.

Article 13 **Bank deposit**

1. The alien who applies for a visa or residence permit shall deposit a specific amount of money to the bank account as a financial guarantee.

2. Financial guarantee is the necessary financial amount deposited by the alien himself or herself, or by the host for the account of the alien, in order to cover the costs of living and consequences of any damage that may be caused by an action or omission

of the alien, contrary to the legislation in force for a defined period of stay in the Republic of Albania.

3. The amount to the account of the alien may be deposited even by the host in the Republic of Albania.

4. The limit of the bank deposit and the procedures of depositing and return of the bank deposit shall be set by joint order of the Minister of the Interior and Minister of Foreign Affairs according to normal living standards.

SECTION II **Travel documents**

Article 14 **Travel document**

1. A valid travel document of the alien shall state at least the holder's name, date of birth, sex, citizenship and validity, issuer and place of issue of the travel document. In addition, the document shall include a photograph from which the holder is easily recognizable.

2. Unless a travel document states a specific area of validity, it is considered to be valid travel document for entry and stay in the Republic of Albania.

Article 15 **Group passport**

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

2. The persons entered in the group passport shall be citizens of the state that issued the group passport.

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

4. Each person entered in the group passport shall carry another identity card issued by the authorities of his / her home country unless the group passport includes photographs of the members of the group.

5. Upon entry into and departure from the territory of the Republic of Albania, the leader of the group shall, upon request, submit to the border control authorities the list of all the persons travelling under the group passport.

Article 16 **Issuing of identity card and travel document to the aliens**

1. The diplomatic representations of the Republic of Albania shall issue travel documents, laissez passer for single entry of the alien who is a resident in the Republic of Albania, and whose documents have been lost or damaged during his or her stay outside the territory of the Republic of Albania and which may not be replaced because of lack of diplomatic or consular representations of the country of origin of the alien in

the country where he/she has lost the travel document and consequently the alien may not return to the Republic of Albania.

2. The central authority responsible for border and migration in case of loss or destruction of a travel document and impossibility of substitution, shall issue, at the request of the interested person who is resident in the Republic of Albania and intends to travel abroad, the travel document to the alien, for a validity period of 2 years thus giving to him or her the right to return to the Republic of Albania regardless of the lack a travel document of the country of origin and the failure to provide a substitute for reasons not dependent on him or her.

3. The central authority of the Border and Migration Police according to the conditions defined in the international conventions recognized by the Republic of Albania shall issue a travel document, for the purpose of travelling abroad, to the stateless aliens who lives in the Republic of Albania, giving him or her the right to return to the Republic of Albania within the period of validity. This document shall be valid for a two year period from the date of issue.

4. Travel documents to aliens shall be issued regardless of their age.

5. The identity card of aliens shall be issued to all the aliens residing in the Republic of Albania who have reached sixteen years of age.

6. The travel document to stateless persons shall be issued according to the conditions defined in international conventions.

7. The local Civil Registry Office of the place of residence of the alien shall provide the alien with the identity card of aliens.

8. The form and content of the travel document, identity card of aliens and the *laissez passer* of aliens shall be approved by decision of Council of Ministers.

Article 17

Issuing *laissez passer* to aliens

1. The *laissez-passer* for aliens, who have no other travel document, shall be issued with the term of validity of up to 30 days, if:
 - a) his/her refugee status has terminated and he/she is asked to leave the country
 - b) the state of his/her nationality does not have its diplomatic mission or consular post in the Republic of Albania and its interests are not represented by another state – for going abroad
 - c) he has lost his asylee travel document or travel document for stateless persons abroad, which had been issued by the police for returning to the Republic of Albania
2. The *laissez passer* to aliens shall be issued by the regional authorities for border and migration of the last place of residence of the alien.
3. The form of the *laissez passer* for the alien shall be approved by decision of the Council of Ministers.

Article 18

Refusal to issue the travel document and *laissez passer* to the alien

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

- a) against whom a criminal or offence procedure is pending, unless the state body conducting the procedure has issued its approval;
- b) sentenced to imprisonment or fined until he finishes the sentence or pays the fine;

Article 19

Loss/damage of issued documents

1. The alien shall report, immediately on the loss or damage of the identity card, travel document or residence permit to the authority responsible for border and migration of his or her temporary or permanent place of residence, which, in such case shall issue a temporary document.

2. The document issued according to point 1 of this article shall be valid until the issuing of the new identity card, travel document or residence permit, which is handed over to the responsible issuer. The form of the document issued according to this point, shall be approved by decision of the Council of Ministers.

3. The procedures and the responsible authorities for declaring wanted a travel document or residence permit of an alien shall be approved by instruction of the Minister of the Interior.

CHAPTER III VISAS

SECTION I TYPES OF VISAS

Article 20 Type "A" visa

1. Type "A" visa is the airport transit visa which gives to the holder the right to enter and stay in the international area of an airport circulation until necessary for the next flight to the country of destination. The validity of this visa corresponds to the time period and flight ticket reservation the visa applicant foresees for the transiting.

2. Type "A" visa may be multiple entry visa and the maximum validity of this visa is no longer than six months if the applicant:

- a) proves the need to frequently and regularly transit;
- b) is reliable person, or has used properly the previous visas including the non-transit visas, and his/her economic situation guarantees travel to the country of destination;

3. The following categories shall be exempted from the type "A" visa requirement:

- a) holders of a valid Schengen visa or residence permit in one of the Schengen area countries and also Andorra, Canada, Japan, San Marino and United States of America;
- b) holders of diplomatic passports;

c) crew members of vessels and aircrafts who are nationals of a Contracting Party to the Chicago Convention on International Civil Aviation and UN Convention on the Law of the Sea.

ç) holders of an Albanian valid visa or residence permit.

4. The countries to which such visa applies shall be defined by decision of the Council of Ministers.

Article 21

Type “C” visa

1. Type “C” visa gives to the holder the right to enter and stay in the Republic of Albania for 90 days within 180 days starting from the date of first entry.

2. Type “C” visa may be single, two or multiple entry visa. The period of validity may not exceed 5 years.

3. Type “C” visa may be issued for multiple entries and it may be valid from six months to five years if the following requirements are met:

a) the applicant proves the need and justifies the purpose of frequent travel because of family obligations, business, civil service, commitments with civil society organization, training purposes, education or regular contribution to international organizations located in the Republic of Albania.

b) the applicant proves his integrity and credibility because of the correct use of previously issued visas and his or her financial situation in the country of origin which guarantees travel and his/her return within the specified time period (90 days within 180 days).

4. In case this type of visa is issued to transit through the territory of the Republic of Albania, the period of stay and its validity must correspond to the time needed for transiting through the territory, but it may not be longer than 5 days.

5. Type “C” single-entry visa may be issued even as a group visa entered in the group passport for transit purpose or for maximum stay of 30 days and for a group consisting of five to fifty persons who intend to participate in artistic, scientific or sports activities or who enter into and leave the territory as a group of tourists. The group visa is issued, with regional restrictions, to the crew members of vessels, transferred from one or into one vessel all together.

Article 22

Type “D” visa

1. Type “D” visa is issued to an alien intending to reside in the Republic of Albania more than 90 days within 180 days and if visa is required for these aliens in order for them to be provided with residence permit.

2. Type “D” visa is valid for one year, with a validity period of stay of 90 days, for single, two or multiple entries entitling the holder to apply for residence permit after entry into the Republic of Albania.

3. The holders of type “D/H” visa issued for humanitarian grounds which if necessary may be issued for a validity period of stay up to 180 days, shall be exempted from the 90 days stay rule.

4. Depending on the purpose of entry, this type of visa shall be classified into the following visas for:

a) economic activity	D/AE;
b) professional activity	D/AP;
c) commercial activity	D/AT;
ç) employment activity	D/APU;
d) study purposes	D/ST;
dh) family reunification	D/BF;
e) humanitarian or religious activity	D/VHF;
ë) diplomatic or service visa	D/DS;
f) seasonal employment purposes	D/PS;
g) humanitarian grounds	D/H

5. The criteria, procedures and documentation for visa issuing, based on the visa types laid down in article 20, 21 and 23 of this law and the visa sticker format shall be determined by decision of the Council of Ministers.

SECTION II ISSUING VISAS

Article 23

Visa issuing authorities

1. The Ministry of Foreign Affairs is the institution responsible for issuing visas to the aliens which are required to have a visa for entry into, stay or transiting through the Republic of Albania.

2. Representatives of third countries, based on bilateral or multilateral agreements shall issue visa to the aliens for entry into, stay or transit through the Republic of Albania.

3. The authority responsible for border and migration, in exceptional cases and defined by this law, shall issue at the border visas to the aliens for entry into, stay and transit through the Republic of Albania according to the criteria defined in article 26 of this law, and it may also extend the period of validity stated in the issued visas, according to the provisions of article 27 of this law.

4. The Ministry of Foreign Affairs cooperates with the Ministry of the Interior and State Intelligence Service during the visa issuing procedure.

5. Cooperation between the Ministry of Foreign Affairs, the Ministry of the Interior and the State Intelligence Service shall be laid down in the joint instruction of these institutions.

Article 24

Visa application

1. The alien shall lodge, with the diplomatic representation and/or consular posts of the Republic of Albania abroad, or with the respective representations of the

countries that are party to bilateral or multilateral agreements, the visa application not later than 90 days prior to the projected date of arrival to the Republic of Albania. The application form shall be determined by decision of the Council of Ministers.

2. The visa application for the minors shall be signed by one or both parents or the person in charge of or the legal guardian of the minor.

3. The minor shall be issued with a visa in his/her personal passport. The minor who has not been provided with a passport in the country of origin for different legal reasons, shall be issued with a visa in the visa of their parent or legal guardian, in whose passport the minor is entered.

4. The applicant when applying for a visa must appear in person before the consular post, at least when the application is lodged for the first time. Following the first application, if it is impossible for the applicant to appear in person, he/she shall be exempted from this obligation for a period of 59 months from the first application. In case of doubts, the applicant may be required to appear in person even before this time period.

5. Exemption from the obligation to appear in person shall apply to special cases defined by decision of the Council of Ministers.

6. The alien shall lodge the application with the diplomatic representation of the Republic of Albania in the country specified in a list approved by decision of the Council of Ministers if no Albanian diplomatic/consular representation is located in the country of the applicant or the country of his/her residence, or any neighbouring countries. The alien must appear in person before the diplomatic representation and/or consular post where the application was made, in order to be provided with the visa.

7. The period of validity of the visa applied for shall be no longer than three months prior to the expiry of the passport validity.

Article 25

Visa issuing by competent authorities

1. The alien intending to enter into the Republic of Albania shall be issued with a visa by the diplomatic representations and consular posts of the Republic of Albania abroad or third country representations based on bilateral or multilateral agreements, by having the visa stamped in the travel document.

2. Visa shall be issued only after the processing of the visa application by the responsible authorities set out in article 21 point 4 and 5 of this law, according to the provisions of the joint instruction of the Minister of Foreign Affairs and Minister of the Interior and the Director of the State Intelligence Service.

3. The procedure of processing of the visa application shall be no longer than 15 days from the date of acceptance of the visa application. In exceptional cases this time limit may be extended up to 30 days.

4. Issue of the visa shall not guarantee entry of the alien into the Republic of Albania.

Article 26
Visa issuing at the border

1. The local authority responsible for border and migration, in exceptional cases, may issue a visa to the alien at the border crossing point, in cases defined in point 2 of this article, if the alien:

- a) meets the general conditions for entry into the territory of the Republic of Albania determined in article 6 of this law;
- b) proves impossibility to apply for a visa in advance according to the provisions of this law, by proving the unforeseen reason and emergency situation requiring him/her to travel to the Republic of Albania
- c) guarantees return to the country of origin or country of transit.

2. Visa issued at the border shall be similar in form and content with the ordinary visa and it shall be issued for a period of stay up to fifteen days, depending on the purpose for which it will be requested and requirements that will be met as foreseen in point 1 of this article, for the following cases:

- a) emergency cases resulting from a natural disaster, floods or accidents;
- b) death, serious disease of family members of the alien residing in the Republic of Albania, proved by the relevant documents;
- c) misfortune, when because of a technical defect, bad weather or risk of any terrorist attack, the crew of vessels or aircrafts must enter into the territory of the Republic of Albania;
- ç) crew of Albanian or foreign vessels, requesting permission to embark or re-embark, in order to return to their country upon termination of the employment contract, and also in case of a change of crew;
- d) upon request of the Ministry of Foreign Affairs, in case of state interests and international obligations.

3. The aliens may be refused issuing of visa at the border if it is deemed that the procedure of application and verification is necessary.

4. The alien, in case of application for visa at the border, and also if the visa is issued based on humanitarian grounds, may be exempted from the obligation to be provided with sickness insurance if it is impossible to be provided with such an insurance at the border. In such cases the alien must accept being subjected to medical examinations and measures of public health, if required.

5. The decision on refusal of issuing of visa shall be communicated in written form to the alien, according to the form approved by instruction of Minister of the Interior. The alien may appeal against the decision on refusal of issuing of visa based on the legislation in force.

6. Visa issuing procedure at the border shall be approved by joint instruction of Minister of the Interior, Minister of Foreign Affairs and Director of State Intelligence Service.

Article 27
Extending the period of stay

1. The authority responsible for border and migration shall extend the period of stay indicated in the visa if the alien applies for its extension prior to the end of the validity of the visa, and he/she proves that because of *force majeure* or humanitarian

grounds it has been impossible to leave the territory of the Republic of Albania before the expiry of the visa validity.

2. The extension of period of stay shall be free of charge and the extension period shall be strictly linked to the need to react to *force majeure* or humanitarian grounds.

3. The procedure of extension of period of stay and the document provided to the alien in case of extension of such period shall be approved by instruction of the Minister of Foreign Affairs and the Minister of the Interior.

4. The decision concerning the request for extension of the visa validity shall be taken within 3 (three) days from the submission of the request. The alien may stay in the Republic of Albania until such decision is taken.

Article 28

Annulment of the visa

1. A visa may be annulled by embassies or consular posts of the Republic of Albania abroad or consular posts of the Ministry of Foreign Affairs in the territory of the Republic of Albania for the following reasons:

- a) visa is issued contrary to the legal provisions in force;
- b) the alien has presented false information or forged documents to be issued with a visa;
- c) the visa is issued erroneously to the person;
- ç) the alien is declared *persona non grata* after the date of the issuing of the visa;
- d) the alien, repeatedly, fails to comply with the rules set by the customs authorities and the authority responsible for border and migration concerning the crossing of the state border.

2. The annulment of the visa shall be immediately made known to the alien and a stamp stating “ANNULLED” shall be affixed to the visa in the travel document of the alien.

3. The visa may be annulled even by the authority responsible for border and migration, if the visa is issued according to article 26 of this law.

4. The visa shall be annulled if it is found that at the moment of entry and during the stay the alien no longer meets the conditions based on which the visa was issued, or the purpose for which the visa was issued has changed or is no longer valid. A visa may be annulled even at the request of the visa holder or his/her host in the Republic of Albania.

5. Administrative act for annulment of the visa and also the reasons of the issue of such act shall be communicated in writing to the alien. The alien has the right to appeal through administrative channels with the Ministry of Foreign Affairs against the administrative act annulling the visa.

Article 29

Refusal of a visa

1. A visa may be refused if the applicant:

- a) presents a false travel document;
- b) fails to prove the purpose and fulfil the requirements for the entry and stay;

- c) fails to provide proof of secure means of support for the duration of stay in the Republic of Albania and return to own country;
 - ç) has exceeded the time limits of stay in the Republic of Albania;
 - d) has stayed 90 days within 180 days in the territory of the Republic of Albania based on the issued visa;
 - dh) results to be subject to entry ban;
 - e) is considered a threat to public security or public health.
 - ë) fails to prove authenticity of the submitted statements or guarantee his/her exist from the territory of the Republic of Albania within the time limit indicated in the visa applied for.
2. The administrative act of refusal of a visa shall be notified to the applicant according to the form approved by joint instruction of the Minister of Foreign Affairs and the Minister of the Interior and Director of State Intelligence Service.
3. The alien who has been refused the visa shall have the right to appeal with the respective structure of the Ministry of Foreign Affairs.
4. The alien, following refusal of visa shall have the right to re-apply only after the end of the appeal procedure if the right to appeal has been exercised, otherwise after three months from the date of the decision on refusal of the visa.
5. The visa and the processing fee shall not be refunded in case of refusal of the visa.

Article 30 **Visa-free entry**

1. The list of countries, which citizens enter visa-free in the Republic of Albania, shall be approved by decision of the Council of Ministers.
2. The aliens exempted from the obligation to be issued with a visa shall have the right to enter and stay in the Republic of Albania for a period of up to 90 days within 180 days from the first entry, unless otherwise provided for in the bilateral or multilateral agreements in force or based on the principle of reciprocity, or on unilateral position expressed in a decision of the Council of Ministers.
3. The aliens, referred to in the second paragraph of this article that prior to the end of the 180 days have stayed for 90 days within 180 days, may re-enter and stay after expiry of the 180 days. The procedure of calculating the time limits of stay shall be determined by Joint Instruction of Minister of Foreign Affairs, Minister of the Interior and Director of State Intelligence Service.
4. The aliens, referred to in the second paragraph of this article that stayed in the territory of the Republic of Albania being provided with a temporary resident permit, upon expiry of the residence permit and leaving the territory of the Republic of Albania, shall have the right to stay up to 90 days within 180 days starting the calculation from the first entry after the expiry of the deadline of the residence permit.
5. The aliens, following entry in the territory of the Republic of Albania, as a rule, must be registered with the authority responsible for border and migration of their place of residence within 10 days from their entry day.
6. The list of countries exempted from the provisions of point 5 of this article shall be approved by decision of the Council of Ministers.

7. The procedure of registration of the alien with the local authority responsible for border and migration shall be determined by Joint Instruction of the Minister of the Interior and Minister of Foreign Affairs.

Article 31

Diplomatic and service visas

1. The members of the diplomatic and consular corps, accredited to the Republic of Albania shall apply for type D/DS visa for a period of stay of 90 days within 180 days with the diplomatic representations of the Republic of Albania, according to the approved lists of countries unless otherwise provided for in bilateral agreements.

2. The family members of the diplomatic and technical staff including the spouse, partner, children under the age of eighteen, unmarried and living with the parents shall be granted the right to be issued with a visa and the right to accreditation. If children who meet the above-mentioned conditions are enrolled in a school in the Republic of Albania they shall enjoy this right until they reach 21 years of age.

3. The State Protocol attached to the Ministry of Foreign Affairs shall issue diplomatic residence permits to the members of the diplomatic and consular corps, accredited to the Republic of Albania, valid for the entire period of their accreditation.

4. The same visa regime and diplomatic residence permit shall be issued even to the representatives of international organisations that have entered into special agreements with the Republic of Albania.

CHAPTER IV

STAY IN THE REPUBLIC OF ALBANIA

SECTION I

GENERAL RULES

Article 32

Stay in the Republic of Albania

1. The alien may stay in the Republic of Albania for a short-term period, temporary period and permanent period.

2. Short-term stay may not exceed a period of 90 days for 180 days, based on the issued visa or visa-free entry, unless otherwise foreseen in this law or agreements recognized by the Republic of Albania.

3. Temporary stay and permanent stay may be granted only through provision of the alien with the residence permit.

Article 33

Types of residence permits

1. The authority responsible for border and migration shall issue one of the

following types of residence permits to the aliens intending to reside in the Republic of Albania for a period longer than 90 days within 180 days, following fulfilment of the requirements foreseen in this law:

a) type “A” residence permit, which is not renewable, gives to the holder the right to reside in the Republic of Albania during the period for which the residence permit is issued;

b) type “B” residence permit, renewable, issued for a defined time period, gives to the holder the right to enter, stay and exit the Republic of Albania within the period defined in the residence permit;

c) type “C” residence is permanent permit and gives to the holder the right to enter, stay and exit the Republic of Albania;

ç) type “S” residence permit, renewable, after an interruption period of six months, which is issued to seasonal workers, gives to the holder the right to enter, stay and exit the Republic of Albania within the period of time defined in the residence permit;

d) “AL Blue Card” residence permit, renewable, issued for a defined period only to the highly qualified workers, gives to the holder the right to enter, stay and exit the Republic of Albania within the period defined in the residence permit;

dh) “AL-C Blue Card” residence permit, is permanent and it is issued only to highly qualified workers and it gives to the holder the right to enter, stay and exit the Republic of Albania.

2. The form and content of the residence permits shall be approved by decision of the Council of Ministers.

Article 34

Issuing residence permits

1. The alien who has entered and stays in the Republic of Albania with a long-term type “D” visa, or the alien who enters without a visa, within the time limits specified in this law, or international agreements shall lodge an application with the local authority responsible for border and migration to be issued a residence permit. The purpose of residence permit must correspond to the purpose the visa used by the alien for entry into the Republic of Albania. In case of international agreements, the application for residence permit may be submitted even through the electronic systems foreseen for this purpose. The conditions for creation and functioning of this system for submission of applications for residence permit shall be determined by the Instruction of the Minister of the Interior.

2. The central state authority responsible for the treatment of aliens, in consultation with the State Intelligence Service, shall approve the procedure of issuing of residence permits, whereas the regional/local state authority responsible for the treatment of aliens based on its own decision shall issue the residence permit to the alien.

3. Cooperation between the Ministry of the Interior and the State Intelligence Service shall be laid down in a joint instruction of these institutions.

4. Unless otherwise provided for in this law, decision of Council of Ministers, or any other international agreements ratified by the Republic of Albania, the residence permit shall be issued for a period of:

a) 3 months, 6 months or 1 year that may be renewed not more than 5 consecutive times;

b) 2 years, that may be renewed not more than once;

c) 5 years, according to the provisions of this law;

ç) permanently, if the alien has legally resided for five consecutive years in the Republic of Albania and has ties or stable activity in the country.

5. The application for residence permit shall be made by the alien in person according to the criteria and documentation approved by decision of the Council of Ministers.

6. The procedure of issuing of residence permits shall be approved by Instruction of the Minister of the Interior and the Director of the State Intelligence Service.

Article 35

Refusal to issue, renew, or annulment of the residence permit

1. Issue or renewal of a residence permit may be refused or the issued residence may be annulled if:

a) the alien has failed to lodge the application or complete the necessary documentation within the specified date, and fails to give grounded reasons justifying such omission.

b) the alien is unable to prove that he/she fulfils or no longer fulfils the conditions required for stay, based on the defined criteria;

c) a removal order is issued against the alien for removal from the territory of the Republic of Albania;

ç) the alien is divorced, in case he/she has obtained the residence permit for family reunification purposes;

d) the grounds for which the residence permit was issued no longer exist, except for the provisions foreseen in point 2 of this article.

2. The residence permit, in exceptional circumstances, may be renewed if the grounds for which the residence permit was issued no longer exist or have changed because of medical treatment which interruption threatens loss of life, family reunification or humanitarian grounds.

3. Refusal to issue or renew a residence permit or annulment of a residence permit shall be communicated to the applicant in writing according to the format approved by Instruction of the Minister of the Interior. It must contain *inter alia* the reasons of refusal, obligations deriving on the alien because of the refusal to issue the residence permit or annulment of the residence permit and also the right to appeal.

4. The procedure for issuing, renewal or annulment of the residence permit shall be approved by instruction of the Minister of the Interior.

Article 36

Appeal against the decision refusing issue, renewal or annulment of the residence permit

1. The alien shall have the right to appeal against the order on refusal to issue, renew or annulment of the residence permit of the alien through administrative appeal

with the direct superior authority that has issued the order and also judicial appeal according to the rules in force.

2. The procedure of administrative and judicial appeal must not exceed 60 days from the day the alien is informed of the decision refusing issue, renewal or annulment of the residence permit

3. The police authority responsible for border and, because of proven health or humanitarian grounds, may postpone the period of enforcement of measures binding on the alien who is the subject of the order refusing the issue, renewal or order annulling the residence permit, or other acts issued following such order.

SECTION II TEMPORARY RESIDENCE PERMIT

Article 37

Criteria for issuing temporary residence permit

1. The alien shall be issued temporary residence permit which is valid for the period of stay indicated in the application, but not longer than one year, in case the application is lodged for the first time, unless otherwise provided in this law or any international agreements ratified by the Republic of Albania.

2. The alien issued with temporary residence permit, who temporarily leaves the territory of the Republic of Albania for a period of up to 6 months, shall have the right to re-enter the country within the period of the residence permit.

3. The alien issued with a temporary residence permit valid for at least 1 year shall be considered a temporary resident in the Republic of Albania only after registration with the civil registry office of the local governmental unit of the place of temporary residence and he/she must notify the responsible authorities each time he/she changes the place of residence in compliance with the national legislation in force. The procedure and form of registration of the alien with the civil registry office, shall be approved by Instruction of Minister of the Interior.

4. The parent/s, legal guardian or the foster institution in charge of an unaccompanied minor shall have the right to apply for temporary residence permit for the minors.

Article 38

Request for issue and renewal of temporary residence permit

1. The alien shall, no later than 30 days following legal entry into the territory of the Republic of Albania, lodge an application for the issuing of temporary residence permit and the alien shall, 60 days before the expiry of the period of the existing residence permit, lodge an application for its renewal, through the filling out of the standard form and submission of the list of documents laid down in the decision of the Council of Ministers.

2. The application form contains personal data of the alien, his/her citizenship

(status if he/she is stateless), other passport information, education qualification, profession, marital status, purpose, place and financial means, reasons of the projected stay, data of the vehicle registration if during stay in the Republic of Albania he/she has used a vehicles registered outside the Republic of Albania.

3. The responsible authorities of border and migration shall, within 60 days, process the application for residence permit issue or renewal. If upon acceptance of application and documentation submitted by the alien it results that the conditions for residence permit issue or renewal are not fulfilled, the regional authority for border and migration with which the application has been lodged, shall inform the alien on the missing documentation found and request him/her to complete it within 30 days. The postponement for completion of documentation shall postpone the period of the procedure of processing and approval of the residence permit.

4. Upon admission of the application, the alien shall be provided with a provisional permit, which is a substitute, in purpose, of the permit the alien has applied for. The format of the provisional residence permit shall be approved by decision of the Council of Ministers.

SECTION III **RESIDENCE PERMIT FOR EMPLOYMENT PURPOSES**

Article 39

Temporary residence permit for employed persons

1. The authority responsible for border and migration shall issue “residence permit for an employed person” to an alien if he/she meets the conditions and the documentation submitted fulfils the requirements for being issued a “residence permit for an employed person”.

2. The residence permit for an employed person shall be issued in accordance with the work permit.

3. After the issue of the “residence permit for employed person” the holder is obliged to notify the competent authorities of any change of conditions for which the permit is issued and request for its approval if the change is related to:

- a) name and address of employer, and address of place of residence and place of work;
- b) valid employment contract;

4. The provisions of point 2 and 3 of this article and provisions of international agreements shall not apply to EU member state citizens and Schengen countries citizens.

Article 40

Revocation and annulment of the residence permit for employed persons

1. The authority responsible for border and migration may revoke and annul a “residence permit for an employed person” which is obtained fraudulently.

2. The authority responsible for border and migration may revoke and annul a “residence permit for an employed person” if the grounds on which the residence permit is issued are not in accordance with the provisions of this article and the provisions of article 39, point 3, letter (a), (b) not complied with.

3. “The residence permit for an employed person” may not be revoked and annulled for public health reasons if the holder suffers the disease or becomes incapable for working after the residence permit has been issued.

4. “The residence permit for an employed person” which has been issued may not be cancelled because of changes in the internal labour market.

5. Unemployment in itself shall not be a sufficient reason for annulment of the “residence permit for an employed person”, except for the cases when the period of unemployment exceeds the following periods:

- a) three months within a 12-month period for the holder of the “residence permit for an employed person”, who has lawfully exercised activities as employed person at least for 3 years’;
- b) six months within a 12-month period for the holder of the “residence permit for an employed person”, who has lawfully exercised activities as employed person for over 3 years.

Article 41

Residence permit for self-employed persons

1. The authority responsible for border and migration shall issue to the alien a “residence permit for a self-employed person” if it results that the submitted documentation fulfils the requirements for being issued with a “residence permit for a self-employed person”.

2. The residence permit for a self-employed person shall be issued limited to the exercise of the activity according to the specifications in the work permit for the purpose of intended employment, specific region where employment is authorised and time limits defined in the work permit.

3. After the issue of the “residence permit for self-employed persons” the holder is obliged to notify the competent authorities of any change of conditions for which the permit is issued and request for its approval if the change is related to:

- a) name and address of residence and place of work
- b) activities authorised for the self-employed person.

4. The provisions of point 2 and 3 of this article and provisions of international agreements shall not apply to EU member state citizens and Schengen countries citizens.

Article 42

Revocation and annulment of the residence permit for self-employed persons

1. The authority responsible for border and migration may revoke and annul a “residence permit for a self-employed person” which is proved to have been obtained fraudulently.

2. The authority responsible for border and migration may revoke and annul a “residence permit for a self-employed person” if there are changed the grounds on

which the residence permit is issued and the provisions of article 39, point 4, letter (a), and (b) are not complied with.

3. “The residence permit for a self-employed person” may not be revoked and annulled for public health reasons if the holder suffers the disease becomes incapable for working after the residence permit has been issued.

4. “The residence permit for a self-employed person” which has been issued may not be cancelled because of changes in the internal labour market.

5. Financial difficulties shall not be a sufficient reason for revocation and annulment of the “residence permit for a self-employed person”, except for the cases when the period during which the holder of the residence permit fails to afford the costs of living in line with the criteria approved by decision of the Council of Ministers, exceeds the following periods:

- a) three months within a 12-month period for the holder of the “residence permit for a self-employed person”, who has lawfully exercised activities as self-employed person at least for 2 years’;
- b) six months within a 12-month period for the holder of the “residence permit for a self-employed person”, who has lawfully exercised activities as employed person for over 2 years.

Article 43

Residence permit for crew members of vessels

1. Residence permits shall be issued to crew members employed with a vessel registered in the Republic of Albania, who perform their activity as employed persons for more than 90 days within 180 days, and those who perform their activity as employed persons with a foreign vessel, but who because of the specifics of the nature of the activity remain more than 90 days within 180 days in the Albanian ports.

2. Citizens of European Union member states and Schengen countries shall be exempted from the provisions of this article.

Article 44

Residence permit for highly qualified workers – “AL Blue Card”

1. The authority responsible for border and migration shall issue the “AL Blue Card” residence permit for highly qualified work only to the alien has been issued with a special work permit for highly qualified worker and meets the conditions required to be issued with the “AL Blue Card” residence permit.

2. The “AL Blue Card” residence permit for highly qualified worker shall be issued for a 2-year period and it may be renewed for an additional 3-year period. If the work permit for the highly qualified worker is issued for a period of validity of less than 2 years, the “AL Blue Card” residence permit shall be issued for the period of validity of the work permit and an additional 3 month period.

3. The holder of the “AL Blue Card” residence permit shall notify the competent authorities of any changes in the employment relationship.

4. EU member states citizens and Schengen countries citizens shall be exempted from the obligation to be issued with a work permit.

Article 45

Exemption from the right for “AL Blue Card” residence permit

No residence permit for highly qualified work “AL Blue Card” shall be issued to the aliens who:

- (a) reside in the Republic of Albania, as applicants for international protection or under the temporary protection schemes;
- (b) are refugees, or have lodged an application for the refugee status and no final decision has been taken with regard to their application;
- (c) have lodged an application with the Border and Migration authorities of the Republic of Albania to be issued, or have been issued with residence permit for researchers, for the purpose of a study/research project;
- (ç) enjoy the status of long-term residents and exercise their right to stay in the Republic of Albania for the purpose of exercising an economic activity as employed or self-employed persons;
- (d) enter into the Republic of Albania, based on the commitments assumed under an international agreement recognized by the Republic of Albania, which facilitates entry and temporary stay of several commercial categories and natural persons, related with investments;
- dh) have their expulsion suspended for legal reasons

Article 46

Refusal to issue, annulment, cancellation and refusal to renew the “AL Blue Card” residence permit

1. The authority responsible for border and migration shall refuse an application for “AL Blue Card” residence permit. Refusal to issue, revocation, annulment and refusal to renew the “AL Blue Card” residence permit shall be made according to the provisions of point 1, 2, 3 and 4 of article 40 of this law.

2. Unemployment shall not constitute sufficient grounds for annulment of the “AL Blue Card” residence permit, unless the period of unemployment exceeds three consecutive months.

SECTION IV

RESIDENCE PERMIT FOR SPECIFIC CATEGORIES

Article 47

Residence permit for seasonal employment

1. The authority responsible for border and migration shall issue to the alien a residence permit for seasonal employment if he/she meets the requirements for being issued with a residence permit with a validity period of no longer than 6 months within a calendar year, with right to renewal up to 5 consecutive years, provided that the

interruption from one residence permit to the other exceeds a 6 month period.

2. This article shall not apply to EU Member State citizens and Schengen countries citizens, and also to the cases when a special regime foreseen by international agreements is in place.

Article 48

Residence permit for the unremunerated trainee

1. The authority responsible for border and migration shall issue to the alien who has entered the territory of the Republic of Albania and has been trained unremunerated, a residence permit for unremunerated trainee with a validity period of no longer than 1 year, if it is assessed that the documentation submitted meets the requirements to be issued a residence permit and only if it results that the intended activity is closely linked with the improvement of skills and qualification of the alien and it is strictly limited in time.

2. In exceptional cases, the residence permit may be extended, in exclusionary cases, for a professional qualification in the field of the activity of the trainee recognized by the Republic of Albania.

3. This article shall not apply to EU Member State citizens and Schengen countries citizens, and also to the cases when a special regime foreseen by international agreements is in place.

Article 49

Residence permit for youth exchange

1. The authority responsible for border and migration shall issue to the alien a “residence permit for youth exchange programme” with a validity period of no longer than 1 year only if the intended activity is closely linked with the youth exchange programme or mobility scheme defined by bilateral or multilateral agreements in force in the Republic of Albania and it is limited in time, and there are fulfilled the requirements for being issued with the “residence permit for youth exchange programme”.

2. In exceptional cases, the residence permit may be extended if this is foreseen in the agreements concluded for this purpose and recognized by the Republic of Albania.

3. This article shall not apply to EU Member State citizens and Schengen countries citizens, and also to the cases when a special regime foreseen by international agreements is in place.

Article 50

Residence permit for voluntary services

1. The authority responsible for border and migration shall issue to the alien a residence permit for voluntary service with a validity period of no longer than 1 year only if the intended activity is closely linked with the voluntary service scheme

recognized legally in the Republic of Albania and it is limited in duration, and there are fulfilled the requirements to be issued with a “residence permit for voluntary service”.

2. The validity of the residence permit may not be longer than the duration of the relevant voluntary programmes for which the issue of the residence permit is requested.

3. In exceptional cases, the residence permit may be extended if the duration of the respective programme is more than one year.

4. This article shall not apply to EU Member State citizens and Schengen countries citizens, and also to the cases when a special regime foreseen by international agreements is in place.

Article 51

Residence permits for scientific research

1. The authority responsible for border and migration shall issue to the alien a “residence permit for scientific research” with a validity period of no longer than 1 year if the alien has concluded an agreement for this purpose with the Albanian institution and the alien meets the general conditions for being issued with a residence permit according to the provisions of article 39 of this law.

2. This article shall not apply to EU Member State citizens and Schengen countries citizens, and also to the cases when a special regime foreseen by international agreements is in place.

Article 52

Residence permit for students and school pupils

1. The alien who enters and stays in the Republic of Albania for study purposes at an educational establishment, public or private, recognized by the Albanian state shall have the right to apply for residence permit according to the general requirements foreseen in article 34, 37 and 38 of this law.

2. The alien, admitted with an educational establishment, or attending training or participating in professional internships shall be issued with residence permit for a validity period no longer than one year when it is issued for the first time and with the possibility of extension every other year until completion of the studies or internship. If the duration of the course is less than one year, the period of the residence permit shall correspond to the duration of the course.

3. The alien must prove that he or she has been accepted by the educational establishment, has sufficient knowledge of the language of education or training, has sufficient means to secure a living in the Republic of Albania during the period of study. The alien, in order to renew the residence permit, inter alia, must prove the progress achieved during the studies, according to the legislation in force or administrative practices.

4. The aliens issued with a residence permit for students, after the first year of study, outside the study period, based on the respective work permit shall have the right to employment and pursue of self-employment activities, in line with the maximum period of 20 hours per week, or the equivalent in days or months per year. EU member states and Schengen country citizens shall be exempted from the obligation to be issued

with a work permit.

5. During the period of study, the residence permit for the student may not be replaced with a residence permit for employment purposes. Upon successful completion of studies, if the alien is issued with a work permit, and if the EU citizen is registered with an employment office based on an employment contract, the residence permit may be renewed for employment purposes. The period of stay for study purposes shall be calculated half of the period of residence.

Article 53

Issuing residence permits for humanitarian grounds

1. The local authority responsible for border and migration based on humanitarian grounds shall issue type “A” temporary residence permits to the alien even if the conditions laid down in article 34 of this law or other general criteria laid down in this law are not met, if the alien:

- a) has submitted to the asylum authorities the application to be recognized the refugee status;
- b) is victim or potential victim of trafficking;
- c) has been subjected to conditions of labour exploitation in the Republic of Albania and collaborates in criminal proceedings against the employer, until the end of the process and until the alien receives the compensation determined by the process.
- ç) has collaborated or agrees to collaborate with justice authorities on the proposal of the state bodies or national security authorities;
- d) has been determined as a stateless person by the competent authorities;
- dh) is an abandoned minor, or is under no parental care, legal guardianship, or escort for other reasons.
- e) is a woman pregnant more than 6 months.

2. The residence permit in such cases is limited and it may not exceed the 6-month duration and it may not be renewed. The residence permit issued for these reasons serves only for the stay of the alien and it may not enable re-entry to the territory of the Republic of Albania if the alien leaves the country.

3. The alien who is issued with temporary residence permit, according to point 1 of this article shall enjoy the right to stay and move within the territory of the Republic of Albania, guaranteed for the aliens who have temporary residence permit according to normal procedures. He /she shall collaborate with the competent bodies to determine own identity, but the lack of evidence which proves his/her identity shall not be sufficient reason for the issuing of the temporary residence permit. The alien benefits health care, financial assistance and support, based on the legal provisions in force.

Article 54

Issuing of residence permit for victims of trafficking in human beings

1. The local authority responsible for border and migration shall issue type “A” temporary residence permit for a 3-month validity period to any alien, regardless of his/her will to collaborate with justice, if there are reasonable grounds to believe that the alien is a victim or potential victim of trafficking identified as such by the structures

responsible for identification and referral of victims of trafficking. Such residence permit is issued to the victim or potential victim of trafficking in order to recover, and to be treated because of the physical and mental conditions, so as to have a well-informed decision on cooperation with the justice authorities.

2. The victim or potential victim of trafficking, during the recovery and reflection period shall enjoy all the rights and services entitled to the victims of trafficking according to the Albanian legislation in force.

3. The residence permit issued for the recovery and reflection period may be revoked if it is proved that the victim or potential victim of trafficking has acquired or claimed this status unfairly, has actively restored relationship, voluntarily and/or own initiative, with persons suspected of trafficking in human beings, or if it considered that his/her stay in the territory constitutes a threat to national security. Revocation of the residence permit for the period of recovery and reflection is communicated to the victim or potential victim of trafficking in written form, in a language of his/her understanding, by informing him/her of the reasons of the cancellation, except for the case when the residence permit is interrupted for national security reasons.

4. The local department responsible for border and migration, shall issue type “B” residence permit to the victims of trafficking in the Republic of Albania, identified as such by the structures responsible for identification and referral of victims of trafficking, in either one or the other, or in both following situations:

- a) the competent authority deems that his/her stay is necessary because of the social and personal situation;
- b) the competent authority deems that his/her stay is necessary for the purpose of collaboration with the justice authorities during criminal investigation or proceedings.

5. The issue of residence permit shall not be limited to the existence of the sufficient financial means of the victim to cover expenses during the period of stay or to the lack of identification documents of the victim or potential victim of trafficking.

SECTION V RESIDENCE PERMIT FOR FAMILY REUNIFICATION PURPOSES

Article 55

Family reunification of an alien with the Albanian national

1. The alien, who is the spouse of an Albanian national, shall be issued with a residence permit with a period of validity of no longer than one year when the residence permit is issued for the first time, unless otherwise foreseen in agreements or in this law. The residence permit may be renewed for a validity period of two years. This rule for the spouse of an Albanian national shall be legally applicable even to the minor, who is unmarried and under the legal guardianship of the alien.

2. The alien shall not be issued with a residence permit or shall have the residence permit annulled if it is proved that the marriage is of convenience based on the provisions of article 59 of this law.

Article 56

Family reunification of the alien with the family members

1. The alien who has been issued with a residence permit in the Republic of Albania, may lodge an application with the local Border and Migration Police for family reunification purposes, if the following requirements are fulfilled:

a) family members of the alien reside outside the territory of the Republic of Albania. In exceptional cases, for humanitarian grounds, according to the criteria approved by decision of the Council of Ministers and procedures approved by Instruction of the Minister of Interior, the application may be lodged when the family member of the alien is in the territory of the Republic of Albania;

b) the alien has been issued with a residence permit in the Republic of Albania for a validity period of at least one year and has the possibility to renew the permit in compliance with the provisions of this law;

c) the alien ensures normal accommodation according to the general standards of health and security;

ç) the alien has sickness insurance covered for him or her and his / her family members for whom he/ she has applied for family reunification;

d) the alien has for him/herself and family members sufficient funds to prevent them resorting to social aid scheme;

dh) the alien submits the documentation based on the provisions of the decision of the Council of Ministers.

2. The residence permit for family reunification purposes issued for the first time has a validity period of one year and may be renewed, unless otherwise foreseen in agreements or in this law.

3. The residence permit for family reunification purposes, in case of fulfilment of the requirements of this law and the criteria approved by decision of the Council of Ministers shall be renewed according to the provisions of article 38 of this law.

4. Adult unmarried children and relatives of the direct ascending line of the spouse where they are dependent on them and do not enjoy proper family support in the country of origin or adult unmarried children of the sponsor, who they are objectively unable to provide for their own needs on account of their state of health, may be issued with residence permit in exceptional cases.

5. Unmarried children and also children of the predecessor of the applicant (sponsor) who find it objectively impossible to fulfil their needs because of their health conditions, may be issued with residence permit in exceptional cases.

5. Unmarried children may apply for residence permit for family reunification purposes until they reach 30 years of age, provided that the applicant alien (host) covers the living costs for them.

6. In case of refusal of issue of the residence permit for family reunification, the alien or the family members have the right to appeal according to the legislation in force.

Article 57

Autonomous residence permit

1. The spouse or partner and the child who has reached majority provided with a

residence permit for family reunification purposes, after staying for an uninterrupted period of at least 5 years in the territory of the Republic of Albania based on a residence permit for family reunification purposes and provided that he/she has not been issued with residence permit for reasons other than those of family reunification during this period of stay, shall have the right to autonomous residence permit.

2. In case of breakdown of the family relationship of the spouse or unmarried partner within this 5 year period from the issue of the first residence permit for family reunification purposes, this right shall be lost.

3. In case of death of the sponsor, the spouse or relatives of the first ascending and descending line, who have resided in the Republic of Albania with a residence permit for family reunification purposes for the validity period of at least 3 years, shall be entitled to apply autonomously for residence permit if they fulfil the general requirements laid down in this law and also considering the best interest of the child.

4. If the children who reach the age of majority are issued with permanent residence permit, the first time application for autonomous residence permit shall be made for permanent residence permit, in compliance with the conditions foreseen in article 61 of this law.

Article 58

Family reunification of refugees

1. The provisions of the law in force on refugees shall apply to family members of refugees in the Republic of Albania who are entitled to the right to family reunification.

2. The authority responsible for border and migration, based on a request of the state authority for citizenship and refugees, shall provide the family member of the refugee with a residence permit.

Article 59

Marriage of convenience

1. Marriage of convenience according to this law shall be the marriage entered into for the purpose of avoiding the fulfilment of conditions for entry and stay of aliens in the Republic of Albania.

2. A marriage shall be considered to be a marriage of convenience if one of the following circumstances is found:

- a) the spouses, after family reunification, do not maintain their marital union based on no reasons at all;
- b) the spouses after family reunification do not perform their marital obligations;
- c) the spouses have never met before the conclusion of marriage;
- ç) the spouses fail to provide consistent personal data for one-another;
- d) the spouses do not speak a language that they both understand
- dh) money was exchanged for the conclusion of marriage, unless the money is dowry, and the spouses come from countries where the presentation of dowry is a custom;

e) there is proof of previous marriages of convenience on the part of any of the spouses either in the Republic of Albania or abroad.

3. The alien shall not be issued residence permit for family reunification in case of marriage of convenience.

Article 60

Annulment of the residence permit obtained for family reunification purposes

The authority responsible for border and migration shall annul the residence permit of the alien obtained for family reunification purposes if it is proved that:

a) the marriage of the sponsor and the person concerned was contracted for the sole purpose of enabling issuing of the residence permit;

b) the sponsor or the person concerned have committed fraud in the presentation of information or have presented false information;

c) it has been issued for family reunification purposes and the marriage is broken within five years from the issuing of the residence permit; and within 3 years from the issuing of the residence permit in case of death of a spouse; and the rights for parental care have ceased to exist, except for the case where the alien has resided in the Republic of Albania based on a five year residence permit.

ç) both parents, or either parent or legal guardian has been cancelled the permanent residence and the minor is not guaranteed stay by the other parent or legal guardian;

SECTION VI

PERMANENT RESIDENCE PERMIT

Article 61

Issuing permanent residence permits

1. The alien shall apply for a type “C” permanent residence permit, 60 days before the expiry of the existing residence permit, with the responsible regional authority of Border and Migration of his/her place of residence. The application and the submitted documentation shall be reviewed and the issue of the permanent residence permit shall be made within 60 days if the following requirements are met:

a) the alien has stayed legally for a continuous period and is resident in the Republic of Albania for at least 5 years from the lodging of the first application for residence permit unless otherwise foreseen in this law, international agreements recognized by the Republic of Albania, or decision of the Council of Ministers. Periods of absence in the territory for up to six months, which do not exceed ten months within the 5 year period of stay with a residence permit shall not be considered obstacle for the issuing of the permanent residence permit. For specifically grounded or extraordinary reasons, and if the alien is posted to a work site abroad for employment purposes in the framework of cross-border services, a longer period of absence than the one referred in this paragraph will be accepted, provided that the responsible regional authority for border and migration is notified in advance of the existence of these conditions by the

holder of the residence permit, his/ her employer, or the sponsor.

b) the alien proves to have sufficient financial means to guarantee stable and consistent means of living for themselves and their family members without resorting to social assistance system.

c) the alien proves to have sickness insurance covered according to the health insurance system applicable to the Albanian citizens in the Republic of Albania;

ç) the alien provides normal accommodation for themselves and their family members in the Republic of Albania;

d) the alien proves to have regularly paid taxes and obligations in the Republic of Albania during the period of stay

dh) the alien enjoys the legal status of the refugees in the Republic of Albania obtained in compliance with the law in force on asylum.

2. The period of stay for the purpose of issuing a long-term residence permit to the alien who has stayed in the Republic of Albania for study or vocational training purposes shall be calculated half the period of stay.

3. If during the processing of the application and the documentation submitted by the alien, it results that the conditions required in point 1 of this article are not met, the responsible regional authority of Border and Migration with which the application is lodged shall inform the alien on the missing documentation and request him/her to complete the documentation within 1 month.

4. The permanent residence permit for highly qualified workers shall be issued separately from the ordinary long-term residence permit and it shall contain the note "AL-C Blue Card".

5. The local authority responsible for border and migration shall inspect, at least once every two years the terms of residence of the alien provided with a permanent residence permit.

6. The permanent residence permit shall be replaced every 7 years through an automatic approval procedure.

7. The expiry of the 7-year period of the document, permanent residence permit shall in no event result in cancellation or loss of the status of long-term resident.

Article 62

Exemption from the right to be issued with permanent residence permit

The conditions mentioned in article 61 of this law on the acquisition of the status of the long-term resident shall not apply to the aliens who:

a) stay in the Republic of Albania for study or vocational training purposes;

b) stay in the Republic of Albania on the basis of temporary protection, or who have lodged an application for residence on this basis and are awaiting a decision on their status;

c) stay in the Republic of Albania, on the basis of a subsidiary form of protection in accordance with international obligations, national legislation or who have lodged an application to reside on that basis and are awaiting a decision concerning on status;

ç) are asylum-seekers or have lodged an application for recognitions of the refugee status, and whose application has not yet given rise to a final decision;

d) stay, only for temporary purposes, as seasonal workers or as providers of cross-border services, or in case their residence permit has been officially restricted.

Article 63

Refusal to issue permanent residence permit

1. The issuing of a permanent residence permit shall be refused if the alien:
 - a) does not fulfil the conditions of article 61 of this law and falls under the categories determined in article 62 of this law;
 - b) is subject to criminal proceedings which has been initiated and not terminated judicial proceedings for crimes in the Republic of Albania;
 - c) who stays in the country would be a threat to national security, or public order and security;
2. In case the refusal to issue residence permit is not followed by a removal order, the alien has the right to stay with the temporary residence permit if he / she continues to fulfil the requirements defined by this law on the issue of such residence permit.

Article 64

Loss of the status of the long-term resident

1. The alien shall lose the status of the long-term resident if:
 - a) it is proved that the alien has produced false data or evidence to acquire this status;
 - b) he/she is subjected to expulsion;
 - c) he/she is a serious danger to public order and security, but such danger is not a reason for expulsion as defined by article 111 of this law;
 - ç) he/she has left the territory of the Republic of Albania for an uninterrupted period of more than 12 months.
 - d) it has been cancelled or annulled the refugee status .
2. The alien who suffers a disease or disability, after the issue of the permanent residence permit shall neither have his/ her residence permit annulled or renewal of the temporary residence refused, nor be deprived of the right to permanent residence for this reason.

Article 65

Issuing of permanent residence permits for special categories

1. The authority responsible for border and migration shall issue to the alien a permanent residence permit if:
 - a) it is proved that the parents or grandparents are of Albanian citizenship;
 - b) the child is born in the Republic of Albania of parents who have permanent residence permit, without considering the requirements to be met for being issued with residence permit.
2. The alien, who has made an investment amounting to over 1 million euro in the Republic of Albania, and who proves employment of more than 10 Albanian citizens for at least a 1 one year period, and his/her family members and key staff shall be issued with a permanent residence permit.
3. The criteria, procedures and documentation for issuing permanent residence permits to special categories shall be approved by decision of the Council of Ministers.

Article 66

Residence permit for the long-term resident of another country

1. The long-term resident of another country, because of reciprocity, based on a bilateral or multilateral agreement in force in the Republic of Albania may lodge the application for residence permit in the Republic of Albania, if he/she fulfils the conditions of article 38 of this law and for the following reasons:

a) exercise of activities, in the capacity of the employed or self-employed persons;

b) pursue of studies or vocational training;

c) other reasons.

2. The conditions and criteria of entry and stay in the territory of the Republic of Albania of the long-term resident of another country based on a bilateral or multilateral agreement in force in the Republic of Albania shall be applied based on reciprocity applied for the long-term residents in the Republic of Albania to reside in another territory.

Article 67

Conditions on entry and stay of the long-term residents of another country

1. The long-term resident of a country, according to the conditions laid down in article 66 may enter and stay for 90 days within 180 days in the Republic of Albania without being issued a visa and he / she may apply for residence permit within 60 days from entry if he /she meets the following requirements:

a) has a valid travel document and long-term residence permit in the country which is party to an agreement concluded with the Republic of Albania on the mutual movement of long-term residents.

b) has the documentation to prove that he/ she has guaranteed normal accommodation in the Republic of Albania;

c) provides evidence of stable financial means which are sufficient for his / her and family members.

ç) has sickness insurance covered in respect of all risks according to the legislation in force.

d) has a valid work permit in case of exercise of an economic activity,

dh) has sufficient financial means to exercise self-employment activity, in addition to the necessary permit to exercise this activity.

e) proves enrolment with an educational or vocational training institution recognized by the Republic of Albania in case of studies or vocational training;

2. The alien, after obtaining a residence permit shall have the right to invite his family members if they have been issued with residence permit in the country where the alien was a long-term resident.

3. The family members of the alien, who has been issued with residence permit according to the requirements of this article, in order to be issued with residence permit for family reunification, must submit:

a) a valid travel document and a copy of the first page of that document;

b) a copy of the residence permit of the sponsor in the Republic of Albania;

c) a certified copy of the family members' long-term residence permit in the country of the previous residence;

ç) if necessary, evidence of them being family members of the long-term resident in the other country prior to their arrival to the Republic of Albania;

d) sickness insurance covered in respect of all risks according to the legislation in force and certification of vaccination according to the diseases covered by the calendar of vaccination in Albania;

dh) proof of stable financial means sufficient for them without resorting to social assistance system or proof that the long-term resident has sufficient financial resources therefore.

4. If the family member of the alien who has been issued with a residence permit according to the conditions of this article does not reside in the other country where the alien was a long-term resident, the provisions of article 56 of this law shall apply for family reunification.

5. In case of issue of the long-term residence permit to an alien who has entered into the Republic of Albania as a long-term resident according to the conditions of this article, it emerges the obligation to notify of this decision the previous country of residence of the alien.

Article 68

Annulment of the residence permit and the obligation to readmit

1. The residence permit issued to long-term residents of another country under the conditions of article 67 of this law, and also to their family members, may be annulled or its renewal may be refused, and their removal from the country may be ordered in the following cases:

a) if the person in question poses a danger to public policy and security;

b) it is proved that the residence permit has been obtained fraudulently and through the used of forged documents;

c) the holder of the residence permit does not reside in the territory of the Republic of Albania according to the specifications in this law.

2. The alien in case of annulment or refusal to renew the residence permit shall be subject to readmission to the country prior to their entry into the Republic of Albania, and where he/she had the status of the long-term resident.

Article 69

General rules applicable for the family members of the alien

1. If the minor who has entered into the Republic of Albania for family reunification purposes, reaches the age of majority, he/she shall have the right to apply independently of the other family members to be issued with residence permit..

2. Unmarried partners are to be treated, to the extent applicable, equally as spouses with respect to family reunification.

3. The alien in case of polygamous marriage, has the right to apply for family reunification with one of the spouses and also the children born by that spouse.

4. The alien issued with a residence permit and who has delivered a child in the

Republic of Albania shall give notice of the act of birth within 30 days to the local Border and Migration Police. The latter shall issue a temporary residence permit for the child.

Article 70

Rights of long-term residents

1. The alien issued with a permanent residence permit is a long-term resident and must be registered with the civil registry office as a long-term resident. Similarly, as the temporary residents, the alien, if the requirements are met, shall be issued with alien's identity card and may be employed, self-employed or engaged directly in business activity, without the requirement to be issued with a work permit.

2. Long-term residents shall enjoy economic rights, health-related and social rights on the same terms as the Albanian nationals, in line with the legislation in force.

3. The form of the identity card for residents shall be determined by decision of the Council of Ministers.

CHAPTER V

EMPLOYMENT OF ALIENS IN THE REPUBLIC OF ALBANIA

SECTION I

GENERAL CRITERIA

Article 71

Employment of aliens

1. An alien may be employed in the Republic of Albania upon being provided with a work permit, or business registration certificate, except as otherwise provided in this law, international agreements recognized by the Republic of Albania, or unilateral position stated by decision of the Council of Ministers.

2. The preliminary actions for establishing a business activity or service are not considered as work.

3. The application for a work permit for an alien can be presented by the legally-staying alien in the Republic of Albania or by the employer.

4. The employer has the right to apply for a work permit for aliens only after having published the job vacancy for 4 weeks and within the limits of the approved or categories set out in Article 83 of this Law.

5. The processing of the application and issuance of work permit when the criteria required in the legislation in force are satisfied is made within 30 days from the date of application.

6. An employer may not employ an alien who is staying irregularly in the Republic of Albania.

7. When the employer hires an alien, he / she must notify the relevant employment office and the regional structures responsible for border and migration within 8 days after the beginning of the work of the alien.

8. The criteria, procedures and documentation for the provision of aliens with work permits or certificates of registration under this law, shall be determined by decision of the Council of Ministers.

9. EU and Schengen countries citizens are exempted from the provisions of paragraph 1 of this article and enjoy equal rights with the Albanian citizens in the field of employment and self-employment.

Article 72

Exemption from the obligation of provision with work permits and work registration certificate

The aliens will not be provided with a work permit or business registration certificate, if:

a) they are nationals of one of the EU member States and Schengen countries who are staying legally in the territory of the Republic of Albania, who are entitled to employment as well as Albanian citizens, except where employment relates specifically to the holding of Albanian citizenship, pursuant to the Albanian legislation. Their employment declaration is made in the respective employment office by the employer, the self-employed alien or investor, before that employment office located in the place where the activity is carried out.

b) they intend to stay for up to one month within one year, such as:

i) persons negotiating a deal or caring for a ward in a fair;

ii) business visitors;

iii) members of the crews of ships or aircraft;

iv) lecturers, researchers or foreign specialists in the field of scientific research, coming to the territory of the Republic of Albania, in the framework of bilateral governmental agreements or agreements between educational institutions themselves;

v) trainers who come in the framework of cooperation between governmental institutions or educational institutions themselves;

vi) personnel of humanitarian organizations operating according to international cooperation programs.

Article 73

Provision with work / business registration certificate

1. The aliens provided with a certificate of registration for a period of stay up to 60 days within 1 year, are:

a) the audit and consultancy services providers;

b) lecturers who participate in joint seminars;

c) artists and technical staff participate in cultural activities such as opera, ballet, theatre, concerts, authors or actors of movies or TV shows;

ç) aliens working in the circus or other entertainment activities to the public;

d) aliens working in fairs or exhibitions;

dh) persons who install machinery or constructions that are delivered by a foreign corporation and provide machinery repair service, as well as conduct employee training, be they Albanians or aliens, for their use.

2. Business registration certificate for a period of stay up to 90 days within 1 year is provided to the aliens who enter the Republic of Albania as;

a) personnel frontier transport of goods and people, in Albanian territory, the headquarters of which are registered abroad;

b) key personnel or board members who perform work for the company, but who are not employed;

c) researchers, representatives of scientific institutions and scientists who participate in the implementation of projects which are important for the Republic of Albania on the basis of governmental agreements or cooperation programs between institutions.

ç) lecturers, teachers, scholars, foreign specialists, administrative staff, who come to the territory of the Republic of Albania, as part of a co-teaching program, or that are part of the staff based educational institution, if the institution has branches in the Republic of Albania.

d) members of the crews of ships or aircrafts;

dh) personnel that perform humanitarian services free of charge to non-profit organizations or institutions on the basis of special regulations or international cooperation programs.

e) trainers coming to the Republic of Albania by foreign companies or their branches in other countries for vocational training activities, based on cooperation programs between the institutions.

ë) experts in the field of protection of cultural heritage, libraries or archives.

f) pupils or students who come within cooperative relationships, training, or exchange of experience.

3. An unlimited certificate of registration shall be provided to the aliens who:

a) are involved in missions of technical assistance at the central institutions, the independent institutions or institutions directly depending on the above mentioned ones;

b) consultants or advisors to the central state institutions, independent institutions, or institutions directly depending under the above mentioned ones, in the framework of government agreements, or projects of international organizations;

c) managers or staff of institutions, religious and charity foundations, non-profit organizations, recognized and registered with the competent bodies of the Republic of Albania, who are not remunerated for their work;

ç) civil and military officials who come to work in the Republic of Albania in the framework of an agreement with the government of the country they come from;

d) mass media representatives, reporters or foreign correspondents accredited in the Republic of Albania, working for a foreign employer;

dh) lecturers, researchers or foreign specialists who come into the territory of the Republic of Albania in the framework of bilateral governmental agreements or agreements between the educational establishments themselves.

4. The criteria, documentation and procedures for obtaining a certificate of registration are set by the Council of Ministers.

5. The format and content of the certificate of registration shall be approved by order of the minister in charge of labour migration issues.

Article 74

Obligation to stick to the reason of employment

1. An alien in the Republic of Albania is obliged to stick to the reason for which the work permit was issued, reason for which he/she has migrated.

2. An alien who has been provided with a work permit is obliged to notify the competent authorities on any changes to the terms on which it was issued and require its approval if the amendment relates to;

- a) the name and address of the employer.
- b) valid employment contract covering the period for which the work permit is issued;
- c) activities for which the person employed is authorized.

Article 75

Substitute document of work permit

1. If the work permit is lost, damaged or becomes invalid, pursuant to the provisions of Article 81 of this law, an alien must immediately notify the responsible state employment authorities who have issued the work permit.

2. The state authorities responsible for employment provide the alien with a duplicate of the work permit, the format of which is approved by decision of the Council of Ministers.

Article 76

Work permit renewal

1. The application for the renewal of a work permit, except for the seasonal work permit, is made within 30 days prior to the expiry of the current one, if the main conditions under which the previous work permit was issued, have not changed. It is renewed within a period of 30 days from the date of application for renewal of the work permit.

2. After applying for the renewal of the work permit, the alien shall be provided with a document replacing completely as per its functions the work permit, for the period until the issuance of the new work permit.

3. The criteria, documentation and procedures for the renewal of work permits shall be established by a decision of the Council of Ministers.

Article 77

Refusal of issuing and renewal of work permit

The work permit shall not be issued if:

- a) the employer, 6 months before presenting the request for a work permit for an alien, has released the employee from duty for an indefinite period of time;
- b) the relations and the conditions stipulated in the contract do not meet the requirements of the Albanian legislation and international conventions on working and employment conditions;

c) the information and documents requested are not complete or reflect false data or evidence;

ç) the foreign employer does not submit the request within the timeframe specified in this law and does not present credible reasons to justify the failure of this action;

d) the criteria set forth in the provisions of this law for the renewal of the work permit are not met;

dh) the employer refused to hire an unemployed job seeker, provided by the respective employment office, who met the conditions set by the responsible state authorities, in accordance with the provisions of this law;

e) the employer is applying for a work permit for an alien, within a period of 12 months from the date of the penalty for a violation, as provided in the provisions of this law, as well as violations of the labour legislation in force;

ë) the wages received by the employees were below the level set by collective agreements;

f) the foreign employer or employee, have not fulfilled the obligations on taxes and social security contributions;

g) there is reason to believe that the alien is a threat to public order, public health and public safety in the Republic of Albania, except when the health status of the alien has no impact on the work for which he/she is recruited.

Article 78

Expiry of the work permit

The work permit expires upon:

a) expiry of the timeframe for which it is issued;

b) handing over of the work permit by the alien prior to the deadline.

Article 79

Invalidity of the work permit

The work permit becomes invalid, when:

a) its validity period, for any reason, cannot be renewed;

b) the validity period of the passport or identification document of the alien cannot be postponed;

c) the alien stays outside the territory of the Republic of Albania for more than 6 consecutive months, excluding *force majeure* events resulting for the contrary;

ç) the alien does not start the activity within 3 months from the date of issue of the work permit.

Article 80

Cancellation of the work permit

1. The state responsible authority has the right to cancel a work permit before the deadline of its validity when:

- a) it is obtained by fraud or by submitting false information;
 - b) after the issuing of the work permit, it is proved that the documentation supporting the application is inaccurate.
 - c) the alien acts or makes propaganda against the sovereignty of the Republic of Albania, national security, constitutional order and public order;
 - ç) the temporary residence permit is cancelled;
 - d) the alien is not present in the Republic of Albania for a continuous period of more than six months, unless deployed by the employer in another country, or is not present due to education and vocational training, illness, baby-sitting or compulsory military service;
 - dh) the alien performs work other than the one for which the work permit was issued, with the exception of aliens, who have a permanent work permit.
2. Unemployment will not constitute sufficient grounds for cancellation of a work permit, unless the period of unemployment continues more than:
- a) three months, within the 12-month period, in case of a holder of a residence permit, for the employee who has legally exercised activities as an employee or self-employed in the Republic of Albania, for less than three years;
 - b) six months within the 12-month period, in case of a holder of a residence permit, for the employee who has legally exercised activities as an employee or self-employed in the Republic of Albania for three years and over.
3. After the cancellation of a work permit, the relevant state authority must notify the responsible authority for border and migration within seven working days.
4. Financial difficulties shall not constitute sufficient grounds for cancellation of the work permit as a self-employed person, unless the holder is not able to afford the living costs.

Article 81

Appeal against refusal or cancellation of the work permit

1. In case of refusal or revocation of the work permit, the alien shall be notified in writing.
2. Within 15 days from the date of notification of the denial or revocation of the work permit, the alien may complain in writing to the minister in charge of migration for employment issues, who replies within 15 days from the date of receipt of the complaint.

SECTION II **LABOUR MARKET**

Article 82

Annual quota for employment of aliens

1. Annual quota for next year for the employment of aliens in the Republic of Albania are set until 1 October of each current year.

2. The Ministry of Labour, Social Affairs and Equal Opportunities, in collaboration with the Ministry of Economy, Trade and Energy, in consultation with central state institutions which contribute to the field of employment, shall propose to the Council of Ministers approval of annual quotas for the employment of aliens, quotas which shall then be approved by a decision of the Council of Ministers.

3. The annual quota for the employment of aliens is determined in accordance with the policy of migration and labour market situation.

4. The annual quota for the employment of aliens defines the activities and occupations in which work is permitted, as well as the number of work permits according to the activities and occupations.

5. The annual quota for employment of aliens may determine as well the seasonal employment quota accordingly.

6. The procedure for the institutional and inter-institutional cooperation in the preparation of annual quota for employment is approved by joint instruction of the Minister of Labour, Social Affairs and Equal Opportunities, and the Minister of Economy, Trade and Energy.

Article 83

Exemption from employment annual quota

Work permits may be issued in addition to the annual quota for aliens in cases where they are;

- a) daily immigrant workers on the basis of bilateral agreements;
- b) personnel holding key positions in companies, branches and representative offices;
- c) transferred within enterprises, or companies, as part of internal transfers within their staff, under the agreements or collaborations based on cooperation programs;
- ç) self-employed in a company that they themselves manage or own more than 51 percent of the shares;
- d) contracting service providers in the Republic of Albania on behalf of the foreign employer;
- f) teachers and lecturers in educational establishments that conduct teaching in language learning courses / subjects for national minorities;
- e) athletes/sportsmen working in the Republic of Albania;
- ë) foreign artists working in the Republic of Albania;
- f) employees on the basis of contracts and rewarded for their work in a foreign organization, registered as a non-profit organization in the Republic of Albania;
- g) members of the board of directors of a religious or humanitarian foundation recognized and registered in the Republic of Albania that will work on the basis of contracts, and rewarded for their work;
- gj) employee in the context of youth exchange activities in the Republic of Albania in cooperation with other countries;
- h) employees in research in scientific research institutions, educational or legal entities with the object of the research work and teaching of particular areas missing the Republic of Albania;

- i) university professors, lecturers, instructors and other guest lecturers invited by Albanian universities or schools on foreign languages;
- j) aliens working under an international agreement.

Article 84

Labour market needs for employees

1. Work permit for an alien, as an employee, within certain quota, shall be issued taking into account the labour market developments and needs in the Republic of Albania, provided that the number of aliens working for an employer does not exceed 10 percent of the total number of staff on the payroll for the previous 12 months.

2. Responsible state authority, prior to the adoption of the request of an alien to fill a job vacancy, must assess if the place may be occupied by persons who possess skills and qualifications required and are willing to work in the vacancy as follows:

- a) unemployed Albanians;
- b) foreign family members of Albanian nationals;
- c) nationals of European Union Member States and Schengen countries;
- ç) family members of a legally-staying alien in the Republic of Albania;
- d) citizens of the countries, with which the Republic of Albania has signed bilateral or multilateral employment agreements;
- dh) foreign nationals who enjoy advantages of involvement in the Albanian labour market, according to the provisions of this law;

3. Request to fill a job vacancy made public by the employer or the responsible authorities for a period of at least four weeks.

4. Responsible state authority shall determine the order of preferred processing, applicant's priorities and chronological submission of the request in the event the demand for vacancies exceeds the number of vacancies published or the annual quota.

5. The minister in charge of labour migration issues may allow the approval of the issuance of work permits by the authority responsible for migration policies, in special occasions, when the number of aliens who work for an employer, exceeds 10 percent of the number of general staff on the payroll for the preceding 12 months.

Article 85

Priority in issuing work permits

The work permit shall be issued regardless of the state and labour market developments and without restrictions, in accordance with the provisions of this law, if the alien:

- a) is married to an citizen Albanian, and is in possession of a one-year residence permit.
- b) is employed in the framework of international or intergovernmental agreements, unless agreements provide otherwise;
- c) has completed a vocational high school, public or private, in the Republic of Albania;
- ç) has arrived in the Republic of Albania for vocational training purposes;
- d) has the status of the transferee internally.
- dh) is qualified as "highly skilled worker".

SECTION III WORK PERMITS

Article 86

Types of work permits

1. The alien, who will exercise an economic activity in the territory of the Republic of Albania, is provided with:

- a) work permit type "A", for economic activities as an employee;
 - i) work permit type "A / P" for employees;
 - ii) work permit type "A / PS", for seasonal work;
 - iii) work permit type "A / TN" to the transferee within the enterprise;
 - iv) permit type "A / S", for students;
 - v) permit type "A / NK" cross-border employment;
 - vi) work permit type "A / FP" for vocational training;
 - vii) work permit type "A / SHV" persons who provide volunteer services;
 - viii) work permit type "A / AF" ', for family members who come to the territory of the Republic of Albania, in the framework of family reunification;
 - ix) work permit of type "A / TK" for highly skilled workers;
 - x) the work permit of type "A / PS" for sports professionals;
 - xi) the work permit of type "A / RP" for domestic workers;
- b) work permit type "B", for independent economic activity:
 - i) work permit type "B / E", for self-employed persons;
 - ii) work permit type "B / I" for investors;
- c) work permit type "C" for special categories;
 - i) Work permit type C / CS, for contractual services
- ç) work permit type "D" for aliens to obtain permanent work permit.

2. Criteria, documentation and procedures for issuing, renewal, refusal, cancellation of the work permit for aliens, according to the types described in paragraph 1, letter "a", "b", "c" and "ç" of this Article shall be determined by the Council of Ministers.

Article 87

Type "A/P" work permit for employees

1. The alien residing in the Republic of Albania shall be issued with work permit as an employee, if the criteria in paragraph 4 of Article 71 of this law are fulfilled, and if the job position offered in the geographic region where the employer carries out his/her economic activity, cannot be filled by the categories specified in paragraph 2 of Article 84 of this law.

2. Type A/P work permit shall be issued:
- a) for one-year duration, initial work permit;
 - b) for two-year duration, renewable for two consecutive periods, if the conditions based on which the initial permit work is issued have not changed;

c) permanently, after the expiration of the validity of the second work permit of two-year duration, if the conditions based on which the last work permit is issued have not changed.

Article 88

Type “A/PS” work permit for seasonal workers

1. An alien may be granted a work permit as a seasonal worker for a duration of up to six months, for each calendar year, for regions, employers, occupations and employment contracts, with specific timeframe and provided that the alien returns to the country of origin upon completion of the employment labour.

2. Requests for seasonal employment are regulated by bilateral agreements between the Republic of Albania and other countries.

3. The employer, in the following calendar year, may apply for a work permit as a seasonal worker for the same alien, provided that it has been fulfilled a compulsory interruption of 6 months.

4. The work permit for seasonal workers shall not be given more than 5 consecutive times.

Article 89

Type “A/TN” work permit for intra-corporate transferee

1. Intra-corporate transferee shall mean an alien transferred in the territory of the Republic of Albania, for the account of the foreign employer and under his/her management, based on a contract concluded between him/her and the foreign employer, who assigns them a certain work or service, in the context of business in the Republic of Albania, provided that the employee has been employed by the foreign employer during the transfer period and has been employed by that company for at least 12 months, immediately preceding such transfer, including the categories of:

- a) administrators;
- b) specialists;
- c) transferees for vocational training;
- ç) business service providers,
- d) contractual service suppliers;
- dh) independent professionals performing contractual services.

2. The alien shall be provided with a type A/TN work permit, as an intra-corporate transferee, if he/she meets the following conditions:

a) is an employee employed by a foreign employer as referred to in paragraph 3 of this article, provided that the foreign employer, acting in the framework of cooperation relations of services, for a limited period of time;

b) is intra-corporate transferee in the Republic of Albania on behalf of and under the direction of foreign employer, based on a contract concluded between him and the foreign employer, who assigns him to a job or service, in the context of the foreign employer's business in the Republic of Albania, provided that he/she is in an employment relationship during the transfer period;

c) is transferred to another institution or to a company owned by the same group to which the foreign employer belongs to, provided that he/she is in an employment relationship during the transfer period;

ç) is posted by a temporary agency employment for aliens to a business in the Republic of Albania, provided that he/she is in an employment relationship with the employment agency during the transfer.

3. The foreign employer is a natural or legal person established in another country, which in the context of international service provision assigns staff for a limited period of time to work in the Republic of Albania.

4. The transferee is an employee / worker, transferred from a foreign employer to work in the Republic of Albania, for a limited period of time over 3 months, which must be guaranteed by the employer for;

a) the minimum and maximum specified working hours duration;

b) the length of paid annual leave;

c) the minimum wage, including increased wages for overtime work;

ç) health and safety at work;

d) protective measures for the work of pregnant women, women who have recently given birth or breastfeed the children and also juveniles;

dh) prohibition of discrimination.

5. The foreign employer confirms in the transfer statement, that the transferee is legally employed in accordance with the rules of a state where the employer has been registered as a legal entity.

6. The working conditions referred to in paragraph 3 and 4 of this article shall not apply to a qualified worker transferred from a foreign employer in the Republic for a period of less than 8 days, if the foreign employer posts him/her as a qualified employee to carry out the initial operations which are essential for the start-up of the activity to be performed in the Republic of Albania.

7. Intra-corporate transferees shall be provided with a work permit, without being required to submit documents proving that they meet the requirements set out in paragraph 2 of article 84 of this law, provided that they are considered "key personnel" or "specialists". Other intra-corporate transferees are provided with a work permit according to point 1 of article 84 of this law.

8. The initial validity period of the work permit for the intra-corporate transferee shall be equal to the length required for the performance of specified work, starting from the time of his/her transfer, up to a maximum period of validity of five years.

9. For the calculation of the period of work for the same job, it is calculated the entire period committed to that position by different foreign employees, on behalf of the employer.

10. In the absence of bilateral or multilateral agreements, an alien who is provided with a type "A / TN" work permit shall be subject to national legislation of the social protection.

Article 90

Intra-corporate transfer statement

1. The foreign employer who makes the transfer under Article 89 of this law shall submit a transfer statement no later than 7 days before the start of the work of the transferee, which shall include the following:

a) the name and registered entity, first name, family name and address of the foreign employer and telephone and electronic contact details.

b) the first name and family name of the transferee and information on job of the transferee;

c) the start and anticipated duration of the transfer;

ç) the name and seat of the entity or first name, family name and address of the beneficiary, the place of service provision and a brief description of the service;

d) information on the date of issue, period of validity, number and competent authority that issued the work permit and the residence permit of the transferee.

2. Foreign employer who makes the transfer under article 89 of this law shall report any changes to the data referred to in paragraph 1 of this Article, during the transfer.

3. The statement referred to in paragraph 1 of this article shall be submitted in writing or electronically to the state authority responsible for employment and it shall be stored in the application folder for the transfer of the alien.

Article 91

Type “A/S” work permit for students

1. The foreign student shall be provided with a work permit for part-time or fixed-term employment, in remunerated activity, if regular university studies are pursued, provided that:

a) his/her employer notifies state authorities responsible for the start and termination of employment;

b) the student works up to 20 hours a week.

2. A work permit may be renewed each year if the holder proves that he/she continues to meet the requirements for the issuing of the initial work permit and that he/she meets the requirements of the educational institution, proving successful completion of studies in the preceding year.

Article 92

Type “A/NK” work permit for frontier workers

1. A foreign worker, from a neighbouring country with the Republic of Albania, which is legally-staying in the territory of the Republic of Albania, shall be provided with a work permit for frontier employment, as employee, employer or self-employed, in a geographical border area of the territory of the Republic of Albania defined by a bilateral agreements in force for cross-border traffic, provided that he/she returns to his/her permanent residence, every day or at least one day per week, keeping the domicile and residence in the country of origin.

2. The foreign worker, in absence of bilateral or multilateral agreements who is provided with a type "A / NK" work permit shall be subject to national legislation of the social protection.

Article 93

Type “A/FP” work permit for vocationally trained persons

1. A foreign worker shall be provided with a work permit to attend a vocational training course in the Republic of Albania, restricted in time and closely linked with the deepening of skills and professional qualification after preliminary admission with the course from a vocational subject, licensed by the relevant authorities in the country.

2. The work permit for vocational training shall be issued for the same time validity period as the period of the vocational training activity, provided that it is proved that such training is closely linked to his/her skills and training.

Article 94

Type “A/AF” work permit for family members

1. Each adult member of the family of the foreign worker who has residence permit in the Republic of Albania, for the purpose of family reunification, shall have the right to be provided with a work permit for one year, on the basis of an employment contract with an employer, or proof of employment in the family business.

2. The work permit for family members of a foreign worker shall be issued provided that the family member has lived with the alien, legally and without interruption, for at least three years.

Article 95

Type “A/SHV” work permit for voluntary services

Foreign workers, who pursue activities as employed persons within youth exchange or voluntary service schemes, shall be provided with a work permit without being required to prove that they meet the requirements specified in article 84 of this law, provided that their activity be limited in duration to one year, except when otherwise provided in the legislation in force in the Republic of Albania.

Article 96

Type A/PSH work permit for domestic workers

1. The foreign worker, legally-staying in the territory of the Republic of Albania, who is employed to carry out domestic employment services, shall be provided with a work permit for domestic workers, based on a contract with the employer, in accordance with his/her background.

2. The foreign worker shall have the work permit for domestic workers renewed, if there is a valid employment contract in accordance with work performed as a domestic worker, but not necessarily with the employer who has obtained the preceding type A / PA work permit.

Article 97

Type A/SP work permit for sport professionals

1. The foreign sportsman, legally staying in the territory of the Republic of Albania, as a sports professional, shall be provided with a work permit as a sportsman,

based on an employment contract with an employer/sports club, according to his profession, if federation has been granted by the relevant sports federation, upon the submitted request of the sports club.

2. The foreign sportsman shall have type A/SP work permit for sport professionals renewed, if he/she has a valid employment contract in accordance with his profession as a sportsman, but not necessarily with the employer/sports club that has obtained the preceding type A / SP work permit.

Article 98

Work permits for highly skilled workers

1. The foreign worker shall be provided with type A/TK work permit if he/she meets the following criteria;

a) presents a valid work contract for an occupation which requires special skills and qualification for a duration of at least 2 years in the Republic of Albania.

b) meets the requirements defined in the legislation in force for the exercise of a regulated profession in the Republic of Albania, as specified in the work contract.

c) submits, as regards non-regulated professions, documents proving high professional qualification in the profession or sector specified in the work contract.

ç) the minimum salary specified in the work contract concluded with the employer is treble the minimum gross monthly salary set by national legislation in force.

2. Type A/TK work permit, if the required criteria are met, shall be issued for the first time for a period of not less than 2 years, renewable for a period of 3 years and then permanently.

Article 99

Type “B/VP” work permit for self – employed persons

1. The foreign worker for independent economic activity, as self-employed person, shall be provided with type "B/VP" work permit, limited in time, space and occupation, as defined in the permit obtained for the exercise of the activity.

2. The foreign worker shall be provided with a work permit for self-employed persons only after being registered with the tax office of the seat of activity.

Article 100

Type “B/I” work permit for investors

1. The foreign investor, for independent economic activity, shall be provided with type "B / I" work permit, for a three-year period, when:

a) investment amounts to at least EUR 200 thousand;

b) the ratio of employees in the economic activity is one alien and five Albanian nationals and this ratio be maintained even for the management board and other governing or controlling bodies;

c) their salary is at least the average salary paid in the Republic of Albania for these positions during the preceding year.

ç) subject possesses valid documents which prove that the activity is not bankrupt and regular documents of registration with the tax office and settlement of liabilities to tax authorities.

2. If investment exceeds EUR 1 million and over 10 Albanian nationals are employed, the foreign investors and the key personnel shall be provided with permanent work permit.

Article 101

Type “C” work permit for special cases

An alien may be provided with a work permit for special categories, for up to one year, when he/she takes part in one or more of the following categories:

a) he/she is resident in the Republic of Albania for a period of no more than one year;

b) the subject stays in the territory of the Republic of Albania for more than three months as follows:

i) staff of cross-border transport of goods and persons, which headquarters are registered abroad;

ii) pupils or students, who work to take up an occupation, under an agreement for student exchange and who participate in an job exchange program during summer holidays;

iii) persons who install machinery or constructions that are delivered by a foreign corporation and provide machinery repair service, as well as training on their use of Albanian or foreign employees;

iv) representatives of non-profit organizations, who are remunerated for their work;

v) employees of humanitarian and religious institutions, recognized and registered with the competent bodies of the Republic of Albania, who are remunerated for their work;

vi) members of crews of ships or aircrafts;

vii) key personnel residing temporarily;

c) aliens performing contractual services for the purpose of professional technical assistance in business activities in the Republic of Albania;

ç) refugee in accordance with the legislation on asylum and integration of asylum seekers;

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

Article 102

Type C/SHK work permit for contractual services

1. The alien shall be provided with a work permit for contractual services, when he/she performs an activity or provides a contract-based service, signed with the service beneficiary in the Republic of Albania.

2. The alien who is not registered for the performance of an activity and has habitually stayed outside the Republic of Albania, may be provided with a work permit for the provision of contractual services, only in justified cases, where the service provider possesses special knowledge, which may not be found in domestic workforce supply.

3. The procedure of issue of the work permit shall be carried out by the central authority responsible for the national employment service, based on a request submitted by the employer. Service beneficiary must record the start and end of the work performed by the alien, in accordance with the provisions of this law.

4. The work permit may be issued several times within a calendar year, but for a total duration of no more than 90 days. Aliens who provide services in the area of science, culture, sports, health and education may be provided with a work permit for a validity period of up to one year, unless there are conditions regarding employment relations.

5. If a work contract is concluded by the alien for a period longer than one year, the work permit may be renewed on the annual basis, until the end of the contract.

6. Entry into and employment for contractual services may be linked only with the qualified exercise by the employee, referring to the implementation of works or provision of specific services which require specific experience.

Article 103

Type "D" permanent work permit

1. The alien shall be provided with type "D" permanent work permit, after obtaining the second two-year work permit and fulfilling the following conditions:

a) has resided and has been employed lawfully and without interruption, within the territory of the Republic of Albania for 5 years, unless otherwise provided in multilateral agreements to which the Republic of Albania is a party;

b) has stable and sufficient income for himself/herself and dependent family members, at least up to the amount of the annual minimum salary of an Albanian citizen, according to the legislation in force;

c) has full social health insurance for himself/herself and dependent family members, for a treatment no less favourable than the Albanian citizens, according to the legislation in force;

ç) has adequate housing for himself/herself and dependent family members;

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

2. The periods of departure from the territory of the Republic of Albania do not interrupt the five-year period and are taken into account in its calculation, if they are less than six consecutive months and do not exceed, in total, 10 months within a period of five years.

3. The permanent work permit shall be issued without regard to the developments and needs of the labour market in the Republic of Albania and without restrictions, linked to an enterprise, occupation, region or local government unit.

4. The following categories shall not be provided with permanent work permit:

a) the alien who holds type "A / S", type "A / FP", type "A / PS", type "A / SHV", "A / NK", "A / TN" and type "C" work permit;

b) the alien who holds a residence permit for temporary protection, or has applied for this type of permit and is awaiting a decision on his/her status, in accordance with international obligations.

Article 104

Sanctions

The sanctions foreseen in the legislation on inspection at work shall apply in case of violation of provisions of this chapter by the subjects.

Article 105

State fees for issuing work permits and residence permits

1. The foreign worker shall pay the state fee before being provided with a visa, a work permit and a residence permit. The tariff shall be determined by the decision of Council of Ministers.

2. Income from state fees are transferred to the State Budget.

CHAPTER VI GENERAL CONDITIONS ON REMOVAL AND EXPULSION OF ALIENS

SECTION I REMOVAL OF ALIENS

Article 106

Removal order and enforcement deadline

1. The local regional authority responsible for border and migration shall issue the removal order to an alien who
 - a) does not fulfil conditions for entry and stay in the Republic of Albania, according to the provisions of this law;
 - b) who has served a sentence given by the Albanian courts for a criminal offence punished by a minimum of 2 years of imprisonment according to the Criminal Code of the Republic of Albania
 - c) and also in case the alien, regardless of fulfilment of conditions for stay, is apprehended while working at variance with the criteria defined by the legislation in force.
2. The period of prohibition of entry of the alien into the territory shall be set based on the case by case assessments and it shall vary from 3 months to 5 years.
3. The deadline for voluntary enforcement of the removal order shall be no less than 7 days and no more than 30 days from the date of notification.

4. Enforcement of the removal order for different categories of illegally staying aliens shall be as follows:

a) no more than 10 days from the date of notification- against the alien who stays illegally the territory of the Republic of Albania, according to the provisions of this law, or who is apprehended while working illegally; or who has served a sentence given by the Albanian courts for a criminal offence punished by a minimum of 2 years of imprisonment according to the Criminal Code of the Republic of Albania

b) no more than 30 days from the date of notification- against the alien whose visa has been annulled or revoked, or who has been refused renewal of residence permit, or whose the residence permit has been annulled or revoked.

5. The voluntary enforcement of the removal order may be postponed to an adequate period (longer than 30 days) considering the specific circumstances of each particular case concerning the category of:

a) children who attend school and the academic year ends within less than three months, - until the completion of the academic year of the children;

b) alien, who has a financial obligation and must liquidate an investment- 3 months from the date of notification.

c) alien who has health issues - until recovery for travel or termination of stay in isolation or quarantine according to a decision of public health authorities.

6. Illegally staying aliens whose extension of the period of voluntary enforcement of the removal order is approved, must report every 10 days to the regional authorities responsible for border and migration of their place of residence.

7. The alien whose extension of the period of voluntary enforcement of the removal order is approved, shall have the right to:

a) stay together with their family members who reside in the territory;

b) be provided with medical emergency services and treatment for specific diseases and also public health services;

c) (minors) be granted guaranteed access to the school system based on their period of residence;

ç) special services for disabled persons.

8. At the moment of enforcement of the removal of the alien from the territory, it shall be considered the best interest of the child, vulnerable persons, family life and health situation of the alien who is subject to removal from the territory.

9. The removal order shall be communicated in writing to the alien, according to the provisions of the Code of Administrative Procedures in a language of his or her understanding, or at least in English language, so as to inform the alien of the appeal procedures according to article 107 of this law. The form and content of the removal order shall be defined by instruction of Minister of the Interior.

Article 107

Appeal against the removal order

The alien, subject to a removal order shall have the right to administrative and judicial appeal according to the legislation in force.

Article 108

Voluntary enforcement of the removal order

1. The authority responsible for border and migration shall not enforce the removal order, if the alien declares voluntary removal from territory. Declaration of voluntary removal of the alien shall be considered by the authority responsible for border and migration and migration when deciding whether to include the restrictive measure of prohibition of entry in the removal order, except for the cases where such declaration may not be considered because of public order and security interests.

2. The local authority responsible for border and migration shall give priority to the enforcement of voluntary return especially for the following category of persons:

a) aliens, who have stayed illegally in the territory of the Republic of Albania, without leading to detrimental consequences on public order and security and who declare voluntary departure from the territory;

b) unaccompanied minors;

c) sick, disabled or handicapped persons;

ç) parents who have minor children;

d) victims of trafficking in human beings who wish to return to their country of origin;

dh) asylum-seekers, whose application for asylum has been refused or who have withdrawn the application for asylum and have no sufficient funds for return;

e) alien who has regular documents, but who have no funds necessary for stay.

ë) alien who are apprehended while working illegally in the territory of the Republic of Albania.

3. The removal order shall not be enforced until the end of the appeal process and the taking of the final decision, unless otherwise provided for by this law.

4. The authority responsible for border and migration, in cooperation with international organisations involved in issues of aliens, shall undertake joint programmes for the provision of financial means, in order to enable the return of aliens, as mentioned in this article, to the country of origin.

SECTION II

EXPULSION OF ALIENS

Article 109

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

1. Expulsion of the alien by the authority responsible for border and migration is an administrative measure taken for the forced removal of the alien from the Albanian territory, based on case by case assessment, if it results that the alien:

a) has entered illegally the territory of the Republic of Albania and there is information that he / she will transit illegally to other countries;

b) has failed to leave the Republic of Albania within the time limits set in the removal order, based on no objective reason or after removal from the territory and within the time limits of prohibition of entry, the alien re-enters into the territory of the Republic of Albania;

c) has not left the Republic of Albania for a period of up to 60 days after expiry of the period of stay indicated in the visa, residence permit or period of stay foreseen by this law for the citizens who enter visa-free and in case of information that the alien intends to abscond the police authority responsible for border and migration;

ç) has been readmitted to another country under Readmission Agreements in force in the Republic of Albania;

d) has been declared undesirable person according to the provisions of article 9 of this law and his /her presence in the territory is considered a threat to public order and security.

dh) has been convicted for a criminal offence which is sentenced to a minimum of three years of imprisonment according to the Albanian legislation.

2. If the alien is subject to expulsion by the authority responsible for border and migration, according to this article, he or she shall be detained in a closed centre according to article 121 of this law, until the enforcement of the expulsion order. In case other alternatives are found for the enforcement of interim measures, as defined in section IV of this chapter, the latter shall prevail over detention.

3. The alien who does not hold a travel document must appear in person or accompanied by the competent authorities before the diplomatic representations and consular posts accredited to the Republic of Albania, in order to be issued with such document.

4. If there is no diplomatic representations and consular posts of the country of the alien in the Republic of Albania, the central authority responsible for border and migration shall request the issue of the travel document by the country of origin or by the diplomatic representations and consular posts of the country of the alien in another country, through the authority responsible for consular issues in the Ministry of Foreign Affairs.

5. If the diplomatic representation refuses to issue a travel document, the central authority responsible for border and migration shall issue to the alien a standard travel document defined by readmission agreement, which purpose is to enforce forced removal of the alien.

6. The central authority responsible for border and migration, in implementing this law, may issue *laissez passer*, if the alien is not provided with a travel document according to point 3 and 4 of this article and article 17 of this law.

7. The central authority responsible for border and migration, based on the agreements in force in the Republic of Albania may cooperate with other countries for the procedure of return or joint return of aliens.

8. The alien shall be informed in writing, in a language of his or her understanding, or at least in English, of the enforcement of the administrative measure of expulsion against him or her, with an explanation of the reason the order is issued, the date and place of enforcement, the manner of transportation to the country of destination and the period of validity of the prohibition of entry. The form of the expulsion order shall be approved by instruction of the Minister of the Interior.

Article 110

Appeal against the expulsion order of the authority responsible for border and migration

1. The alien shall have the right to appeal against the expulsion order of the authority responsible for border and migration, according to the legislation in force.

2. The alien, until termination of the appeal proceedings, shall be kept under conditions of alternative measure of supervision or detention in the closed centre, pending immediate removal, according to the order issued for this purpose.

SECTION III

EXPULSION OF THE ALIEN, UNDESIRABLE PERSON

Article 111

Expulsion order to an undesirable person

1. The alien, declared undesirable person, shall be expelled from the territory of the Republic of Albania only upon an expulsion order, issued by the Minister of the Interior.

2. The expulsion order to an undesirable person shall be communicated in writing to the alien in a language that he or she understands or at least in English and it shall contain:

- a) personal data of the expelled person;
- b) reasons for which the expulsion order has been issued
- c) period of prohibition of entry to Albania;
- ç) in case of readmission, the country where the person will be readmitted;
- d) date of departure;
- dh) manner of enforcement;
- e) border crossing point of departure;

3. Information on the detailed reasons of issue of the expulsion order to an undesirable person, which is qualified as classified/restricted information, in particular related with national security, protection, public order and also prevention, investigation, detection and punishment of criminal activities, shall not be communicated to the alien.

4. The form of the expulsion order to an undesirable person shall be approved by instruction of the Minister of the Interior.

Article 112

Procedure and enforcement of the expulsion order

1. The expulsion order shall be enforced by the local authority responsible for border and migration:

a) takes measures for detention of the alien in the closed centre or application of interim measures according to the definitions of Section IV of this chapter, until the expulsion order is enforced, according to the specification in the expulsion order.

b) takes the fingerprints and palm prints and the photograph of the alien;

c) records the expulsion order in special record book indicating the period of the prohibition of entry in the Republic of Albania;

ç) cancels the residence permit, where appropriate;

d) takes measures that the alien be issued with travel document, visa and travel ticket.

2. The expulsion order shall enter into force immediately if the presence of the alien poses a threat to national order and security.

3. If neither the alien nor the host have funds to afford the return costs of the alien to the country of destination, the return costs shall be granted as a loan, in advance, by the local authority responsible for border and migration and it shall be reimbursed by the host, if the alien intends to enter the Republic of Albania after termination of the period of the prohibition of entry.

Article 113

Category of persons who may not be expelled

1. The alien who meets one of the following requirements shall not be subject to the expulsion order:

a) is issued with a permanent residence permit,

b) is born in the Republic of Albania

c) has entered the Republic of Albania as an unaccompanied minor and has been issued with a permanent residence permit;

ç) is issued with temporary residence permit and is married to an alien who has permanent residence or who is an Albanian citizen;

d) based on grounded reasons to suspect that the alien might be punished to death, subjected to torture, inhuman and degrading treatment or punishment for discriminatory reasons in the country of origin or another country;

dh) is an unaccompanied minor, if the country of origin, another country or other institutions do not guarantee family reunification or proper health care;

e) is a family member of the alien who is recognized the refugee status in the Republic of Albania.

2. The alien, in exceptional cases, may be expelled regardless of the fulfilment of the requirements mentioned in point 1 of this article, if his or her stay poses a threat to public order and security and it constitutes a threat to national security in accordance with the provisions laid down in this law.

Article 114

Review of the order declaring a person undesirable and of the expulsion order

1. The alien or his or her family members may request the administrative review by the issuing authority of the order declaring the person undesirable and the expulsion order to an undesirable person.

SECTION IV
INTERIM MEASURES

Article 115

Enforcement of interim measures

1. Interim measures shall be taken by the local authority responsible for border and migration in order to prepare or ensure the enforcement of an expulsion order against an alien from the territory or supervising removal of the alien.

2. Interim measures are taken as alternative measures to detention in the closed centre for aliens who are subject to expulsion, based on a case by case assessment, without impact on the enforcement of the expulsion order.

3. Interim measures may be taken immediately following the issue of the expulsion order, but if appropriate they may substitute the measure of detention in the closed centre after it has been taken and enforced.

4. The criteria, procedures and form of the order of interim measure shall be approved by instruction of the Minister of the Interior.

Article 116

Obligation to report

1. The alien may be obliged to report at regular intervals to regional authorities of border and migration police if:

a) a removal or expulsion order has been issued against the alien and it is required a guarantee for enforcement of this order or supervision for the removal of the alien from the territory is needed.

b) the alien prior to departure had an exact address known by the local authorities of border and migration and there is indication that the alien may abscond enforcement of removal order.

c) the best interest of the alien's family is considered.

2. The alien shall be informed of the grounds for such obligation.

3. The obligation to report shall be in force until the alien departs the territory.

Article 117

Taking possession of the ticket or the travel document

1. The local structure responsible for border and migration, if the alien is subject of an expulsion order, may take possession of the ticket and travel document in order to guarantee the return journey. The procedure of taking possession of these documents shall be approved by order of the Minister of the Interior.

2. The local authority responsible for border and migration shall keep possession of the travel document of the alien until the end of the appeal procedure.

3. The alien shall be issued with a document, substitute of the identity card, during the period the travel document is handed over.

4. The form of this identification document shall be approved by order of the Minister of the Interior.

Article 118

Taking possession of the financial means or giving a financial guarantee

1. The local authority responsible for border and migration shall take possession of financial means of the alien to the amount which is necessary for the return costs, if such costs are necessary to be incurred. The remainder of the financial guarantee shall be returned immediately to the alien at the moment of departure.

2. The authority responsible for border and migration, instead of other interim measures, or in combination with them, based on a case by case assessment, may request the alien to give a financial guarantee to cover the return costs.

3. The financial guarantee shall be returned immediately to the alien when it is deemed that it is no longer necessary or the return of the alien is managed.

Article 119

Compulsory stay within a specific territory

1. The local authority responsible for border and migration shall restrict the personal freedom of the alien, ordering the latter to stay within a specific territory if:

a) return or expulsion may not be ordered or enforced because of objective reasons or because of an obligation undertaken by the Republic of Albania under international agreements in force;

b) the alien has been issued with a residence permit for humanitarian grounds;

c) the time limit of detention in a closed centre has expired and the removal of the alien has not been made possible or the alien, because of humanitarian grounds, may not be held in the closed centre.

ç) public health authorities, based on an assessment and according to the International Health Regulations recommend isolation of the person/s for a period of time useful for the incubation of the suspected disease.

2. The alien has the right to appeal with the Judicial District Court against the order to stay within a specific territory.

3. The alien during stay in a specific territory, upon the approval of the local authority responsible for border and migration, may enter into an employment relationship with Albanian or foreign contractors, according to the conditions foreseen by subordinate legal acts implementing this law.

4. The local authority responsible for border and migration shall indicate in the territorial restriction order the general rules of stay, the place, the duration of stay and it shall notify the alien to report to the authorities on monthly basis. The form of the order of compulsory stay within the specific territory shall be approved by order of the Minister of the Interior.

SECTION V
DETENTION IN THE CLOSED CENTRE

Article 120
The closed centre

1. The closed centre is an administrative institution of a defined security level and restriction of freedom for the detention of aliens who are subject to forced removal or expulsion from the territory of the Republic of Albania.

2. The closed centre must meet all the requirements for human and decent treatment and it must provide medical services and guarantee fundamental rights of individuals.

3. The local authority responsible for border and migration, in case of detention of an alien in the closed centre, at the request of the latter, shall take immediate measures for the care to family members of the detained alien who have been left without supervision and support.

4. The setting up and functioning of the closed centre shall be foreseen in a decision of the Council of Ministers.

Article 121
Detention in the closed centre

1. Detention in the closed centre shall be the last administrative resort taken and enforced, by the responsible state authority at regional level for the treatment of aliens, against the alien who is subject to an expulsion order, following exhaustion of all the possible alternative measures or where following an assessment it is considered that such measures may not be enforced against the alien, or against the alien readmitted based on the readmission agreements in force in the Republic of Albania, for the sole purpose of ensuring his or her return/readmission.

2. The alien shall be detained in a closed centre, established specifically for this purpose, for the shortest possible time period, until completion of legal procedures to enable his removal from the Republic of Albania, within the time limits laid down in this law.

3. The responsible state authority for the treatment of aliens at regional level may, for public security reasons, detain in the closed centre the alien, whose identity or purpose of stay is unclear.

4. The alien shall be informed in writing in a language of his or her understanding or at least in the English language of the order of detention in a closed centre, which indicates the reasons of detention, period of detention, the right to be provided legal defence through a lawyer of his or her choice, or ex officio lawyer and also the right to communicate to his or her relatives.

Article 122
Appeal against detention order

1. The alien who is the subject of a detention order in the closed centre has the right to appeal with the Judicial District Court against such measure, after written notification of detention or extension of the detention period.
2. The Judicial District Court shall review with priority the lawfulness of the detention measure against the alien and it shall decide whether he or she will continue being detained in the closed centre or he or she will be let go.
3. Appeal against the decision of the court shall be made within the time limits defined by the legislation in force.

Article 123
Detention in the closed centre

1. The alien shall be detained in the closed centre for a maximum period of 6 months.
2. The central authority responsible for border and migration, on proposal of the authority of the closed centre, shall extend the period of detention of the alien up to an additional 6 month period, if the removal of the alien has not been made possible within the first 6 month period of detention for the following reasons:
 - a) the alien refuses to provide data or personal information and the necessary travel documents for his or her return or submits false information;
 - b) the alien in different ways has hindered or blocked his or her return;
 - c) the delay in the issue of a travel document or another necessary document for return, which has been requested from the authority of another country, is justified.
3. The request for postponement of the period of stay shall be made by the authority of the Closed Centre at least 15 days before the expiry of the 6 month period of detention in the centre. The central authority of border and migration police shall review the request and it shall notify the authority of the closed centre on the decision that has been taken within 10 days.
4. The authority responsible for border and migration, in cooperation with the closed centre authority during the period of detention in the closed centre, shall consider the existence of the conditions to keep the alien detained in the closed centre. Depending on the assessment of the situation, the authority responsible for border and migration may decide to substitute the measure of detention in the centre with proper interim measures laid down in this law.
5. In case the alien commits a criminal offence during the period of detention in the closed centre, he or she shall be criminally prosecuted according to the provisions of the criminal legislation in force and the alien shall be immediately transferred to another institution established for this purpose according to the national legislation in force.

Article 124
End of period of detention in the closed centre

1. Detention of the alien in the closed centre shall end in the following cases:

- a) the alien is removed from the territory;
 - b) the period of detention indicated in the detention order is over;
 - c) the stay of the alien becomes illegal;
 - ç) the decision of detention in the closed centre is annulled;
 - d) the measure of detention in the closed centre is replaced by another temporary measure determined in this law.
2. The alien shall be released from the closed centre if;
- a) it is clear from the circumstances that the alien may not be removed forcibly;
 - b) the court orders the release of the alien from the closed centre.

Article 125

Detention of an unaccompanied minor

1. The unaccompanied minor, in exceptional cases, who is subject to a detention order, shall be accommodated in a state social centre opened specifically for this purpose by or at another centre based on cooperation with international organisations dealing with children, victims of trafficking in human beings or other categories of persons in need.

2. The minor may be detained in the closed centre only if it is his or her or his/her family best interest or, in premises separated from those for the adults.

3. The opinion of a social worker or psychologist shall be heard before detaining a minor in the closed centre..

4. The authority responsible for border and migration in case of doubt over the age of the detained alien may request the specialised state institutions to run a DNA-test on the alien in order to verify his or her age. In case doubts over the age of the detained person remain even after the verifications and expertise, it shall be presumed that the person is a minor.

Article 126

Notifying diplomatic representatives

1. The Ministry of Foreign Affairs at the request of the alien or if foreseen in a bilateral agreement shall immediately notify the diplomatic or consular representative of the country of the alien detained in the centre and also of the prolongation of the period of detention.

2. Such information shall not be made known to the diplomatic or consular representative of the country of the alien if the latter has applied for asylum or is recognized the refugee status or is under any other form of protection by the Republic of Albania.

Article 127

Rights of the aliens detained in the closed centre

1. The alien detained in the closed centre, according to the provisions of this chapter, shall be informed in a language of his or her understanding or at least in

English, of each action performed by the competent authorities concerning his or her detention in the closed centre.

2. The alien shall have the right to human treatment, provision of adequate amount of food, legal aid at any time, medical care.

3. The alien shall be entitled to the right to inform the consular representative of his or her detention. The alien shall have the right to appeal with the Judicial District Court for the violation of his or her fundamental rights at the closed centre.

4. The alien shall have the right to appeal with the Judicial District Court against any violation of his/her fundamental rights in the center.

5. The alien, if readmitted shall be informed of the rights and obligations he or she has based on the national legislation, in a language of his or her understanding or at least in English.

Article 128

Compensation of costs incurred for forced removal/expulsion

1. The alien shall cover the costs of accommodation in the closed centre and other costs incurred during his or her forced removal/expulsion.

2. All the financial means in cash shall be taken from the alien who is subject to expulsion, in the form of a deposit, against the issue of a certificate to the alien, which form shall be approved by instruction of the Minister of the Interior.

3. The financial means taken from the alien shall only be used to cover the costs as laid down in point 1 of this article.

4. If the alien has no funds to cover the costs mentioned in point 3 of this article, the costs shall be covered by the natural or legal person who has enabled entry or stay or illegal transit of the alien in the territory of the Republic of Albania, or by the natural or legal person who has assumed the costs of stay in the territory of the Republic of Albania and return of the alien, or by the carrier according to the provisions of article 133 of this law, or the employer who has employed an alien contrary to the provisions of this law.

5. The taking possession and use of financial means according to the provisions of this article shall be made based on an order of the authority which removes forcedly or returns the alien according to a procedure approved by instruction of the Minister of the Interior.

CHAPTER VII

USE OF UNIFORM AND VEHICLES BY THE ALIENS

Article 129

The use of uniform and military vehicles

The alien during stay in the Republic of Albania may keep the military uniform, and use the vehicles with foreign license plates and military symbols in the case, he/she;

- a) stays in the Republic of Albania as a member of a diplomatic mission or consular posts of another country or foreign missions with diplomatic status;
- b) is for an official visit, as member of a foreign mission or military delegation.
- c) studies at a military school in the Republic of Albania.
- ç) transits through the territory of the Republic of Albania as a member of a foreign military mission or delegation diplomatic or service passports.
- d) participates in a military exercise or training of this nature.

Article 130

Use of customs and police uniform and vehicles

The alien during stay in the Republic of Albania may keep the police or customs uniform, and use the vehicles with foreign license plates and military symbols in the case, he/she;

- a) is for an official visit as a member of a delegation of a foreign police or customs authority;
- b) is carrying out a functional task in the context of a bilateral or multilateral agreements in force in the Republic of Albania;
- c) attends studies in a police education institution;
- ç) transits through the territory of the Republic of Albania as a member of a mission or foreign police or customs delegation with diplomatic or service passports.

CHAPTER VIII

SURVEILLANCE AND CONTROL OF ALIENS

Article 131

Control of aliens

The authority responsible for border and migration, in implementing the legislation in force, shall perform the following tasks:

- a) supervise and check the observation by the aliens of entry and residence regulations established pursuant to this law;
- b) require travel documents, residence permit or identity document;
- c) escort to the police the alien, who does not have an identification document, residence permit, travel document or any other document proving his/her identity;
- ç) escort the alien, subject to an expulsion order, to the border crossing point or country of origin;
- d) transport the detained alien, when necessary, to a medical institution to undergo medical treatment, or for public health reasons so as to ensure isolation or quarantine;
- dh) support and take measures for the return of illegally-staying aliens in the country of origin or transit country prior to the entry of the alien in the Republic of Albania;

e) take measures that the alien detained in the closed centre appears before the judicial authorities;

ë) escort the alien to the diplomatic or consular authorities, in order to conduct the required interview so as to provide travel documents and escort the alien back to the detention institution;

f) cooperate with other structures for the law enforcement control by the aliens during their entry and stay in the territory of the Republic of Albania.

g) impose fines against the alien and take measures to enforce them for all the cases specified in article 145 of this law.

Article 132

Obligation of the alien to prove his / her identity

1. The alien shall prove his identity by means of:

a) a travel document;

b) a personal identity card for aliens;

c) a document issued by marine travel companies, which contains a photograph.

ç) other public documents with photographs.

2. The alien is obliged to keep the document to prove his/her identity and present it if requested by a control responsible person.

3. The alien is obliged to submit his/her travel document during border crossing when it is requested by a police officer acting for this purpose.

4. The alien, who does not possess an identification document, is obliged to submit accurate personal information to an official responsible for control of aliens in the territory.

5. The alien may not give to others his/her travel documents to be used by them, and may not use false identification documents or travel documents of another person.

Article 133

Return of travel documents, ID and residence permit

An alien is obliged to return the travel document, identity card and residence permit issued by the authorities of the Republic of Albania in case:

a) the alien is definitively expelled from the territory of the Republic of Albania;

b) the document expires;

c) the alien acquires Albanian citizenship.

Article 134

Obligation of the alien to notify of his/her address

The alien, in person, or through the employer, host or accommodation provider, shall inform, within 10 days of entry into the Republic of Albania or from the date of change of residence, in one of the forms determined by instruction of the Minister of the Interior, the authority responsible for border and migration of his/her residence by submitting the following information:

- a) first name, family name, date of birth, sex, travel document number, nationality and address of residence outside the territory of the Republic of Albania;
- b) full residence address in the Republic of Albania.
- c) date of issue and serial number of the visa, if equipped with visa;
- ç) place and date of entry into the Republic of Albania, as well as the expected date of termination of stay in the residence place in question.

Article 135

Obligations of the carrier

1. A carrier, prior to departure, shall verify that an alien travelling to the Republic of Albania by air, land, rail or sea holds a valid travel document and visa, if required, and send electronically to the authority of the Border Crossing Point of entry/departure, before the travel, the list of the passengers and crew members. Upon arrival the carrier must present to the staff of the Border Crossing Points the full list of passengers and crew members.

2. The driver of a vehicle, the master of a vessel or aircraft and the representative of the carrier on board are obliged to ensure that people not entitled to enter the country do not enter it without the permission of border control authorities. In case of detection of any stowaway on board, during the journey, they must notify border control authorities in advance or prior to arrival to the border crossing point.

3. If an alien is refused entry, the carrier is obliged to transport him or her to the country of embarkation, or the country which issued the alien with the travel document on which he or she travelled; or any country to which the alien is certain to be admitted.

4. The obligation to return the alien shall apply to the carrier if the alien in transit through the Republic of Albania is refused entry and if another carrier, which was supposed to transport the alien to the country of destination, refuses to take him or her on board; or the authorities of the country of destination have refused the alien entry and he or she has been sent back to the Republic of Albania.

5. If border control authorities have allowed the alien's entry into the country, the carrier is not under the obligation to return the alien according to the provisions of this article, unless the alien has applied for asylum at the border.

6. If an alien who has been refused entry into the territory of the Republic of Albania does not have sufficient funds for his or her return journey, the carrier is obliged to arrange his or her transport at its own cost.

7. If immediate transport is not feasible, the carrier also bears any costs that arise from the alien's stay.

8. Upon enforcing the removal of an alien from the country, the authorities of the border and migration police may order a necessary number of escorts if the security of the vehicle or the enforcement of the decision on the alien's removal so requires. The carrier may submit a request to the authorities of border and migration for ordering an escort for the alien to be returned.

9. If an alien is refused entry at the border and the refusal is based on his or her not holding the required travel document, visa or residence permit and the alien needs an escort upon request of the carrier, the carrier is obliged to pay for the costs arising from the escort. If escort is ordered by the Border and Migration Police, the costs arising from the escort shall be covered by the Border and Migration Police.

10. The carrier is not entitled to receive compensation from the State for the costs arising from the transport of irregular aliens.

11. The carrier is obliged to return the asylum seeker, transported by him, to the border, if the alien has applied for asylum at the border and the decision on refusal of entry is issued within three months of entry into the country.

12. The local Border and Migration Police, refusing entry shall impose a fine on the carrier transporting the alien whose entry has been refused, unless entry is refused because of non-fulfilment of the additional conditions on entry and stay of the alien in the Republic of Albania or invalidity of the visa, or residence permit, and also if errors in the list of passengers are considered grounded.

13. The carrier or his/her representative shall be heard before imposition of a fine on the carrier.

Article 136

Obligations on public services

1. Public services, local organizations and administration, companies of public interest and social security institutions shall be obliged to refrain from providing services to the aliens, who do not hold a valid travel documents recognized by this law, valid visa or residence permit and who fail to prove legal entry and residence in the territory.

2. The hospitals and the medical centres shall be excluded from the above-mentioned obligation, in case the aliens need to be provided with medical service in health emergency situations, when medical improper treatment threatens loss of life.

Article 137

Obligations of the employer

1. The employer recruiting an alien in the Republic of Albania shall be obliged:

a) prior to employing the alien request the latter to present a residence permit or other authorization of stay, valid for the employment period in question;

b) copy or record the content of the residence permit, or other authorization of stay, prior to the start of employment;

c) store, at least for the duration of employment, copies or records which must be made available for inspection to the responsible state authorities controlling aliens in the territory and also to the inspectorate responsible for employment;

ç) notify the responsible authorities of the start and end of employment of the aliens, at least within one week;

d) cover return costs of an alien employed unlawfully by the employer, in case of application of the return procedure;

dh) pay the arrears for the work of the alien employed unlawfully;

e) pay the arrears of taxes and social contributions, including administrative fines of the alien employed unlawfully;

2. The employers shall be considered to have fulfilled their obligation in implementing paragraph 1(a) of this article, with the exemption of the case where the document presented as a residence permit, or other authorisation of stay, is inadequate.

3. The regional authority responsible for border and migration, in case of unlawful employment shall presume an employment relation at least for six months duration, unless the employer proves otherwise.

4. The regional authority responsible for border and migration, case of employment of aliens staying illegally in the territory, may propose to responsible state institutions the following measures against the employer:

a) exclusion from the right to public benefits, assistance or funds, for a period of up to five years;

b) exclusion from participation in public contracts for a period of up to five years;

c) temporary or permanent closure of legal or natural persons where the violation was committed.

Article 138

Obligation on the public notaries

1. The public notaries, when compiling notarial deeds which include as parties the aliens who are present in the territory or who declare accommodation or residence in Albania, shall be obliged to request them the respective document, to prove their legal stay in the Republic of Albania, and also mentioning such fact in the notarial deeds.

2. The notaries shall be exempted from the obligation foreseen in point 1 of this article, if the alien is represented by a lawyer before the court.

Article 139

Obligations of individuals and entities

1. Leasing immovable properties to aliens who do not hold a valid document recognized by this law or a valid visa or residence permit shall be prohibited.

2. Hotel and resorts managers must inform the responsible state authority at regional/local level dealing with aliens of the arrival and departures of the aliens accommodated in their facilities. Hotels and resorts shall be prohibited from accommodating aliens who do not prove their status of legal stay in the Republic of Albania.

3. If an alien stays illegally in the Republic of Albania and has no sufficient financial means to return, his/her host or organizer of his/her transport in the Republic of Albania is obliged to cover the cost of return.

4. State agencies or private entities, or individuals, are obliged to inform immediately the responsible structures for border and migration police of their becoming aware of aliens who stay and work illegally in the territory of the Republic of Albania, except when they are forced to maintain a secret according to the legislation in force.

5. The court which issues a final decision declaring an alien guilty of an offence shall inform of the taken decision the regional border police and immigration.

6. Penitentiary institutions must notify the authorities responsible for border and migration where the institution is located 24 hours before the release of an alien by this institution.

CHAPTER IX PROCESSING OF PERSONAL DATA

Article 140

Collection of data and record books

1. State authorities responsible for the treatment of aliens collect and administer personal information of aliens by the state bodies, private entities, Albanian or foreign citizens, resident in the Republic of Albania, as well as by the alien himself/herself. Such data are recorded in the national electronic registry for aliens, as well as in special record books when;

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

2. Collection, processing, recording and deletion of personal data for aliens after the end of the term, based on the provisions of article 142 of this law, shall be governed by a joint order of the Minister of the Interior, Minister of Foreign Affairs and Minister of Labour, Social Affairs and Equal Opportunities.

3. Establishment and operation of electronic registry for aliens shall be adopted by joint instruction of Minister of the Interior, Minister of Foreign Affairs and Minister of Labour, Social Affairs and Equal Opportunities and it shall consists of;

- a) border control module;
- b) visa module;
- c) residence permits module;
- ç) work permits module;
- d) module for treatment of illegally staying aliens in the territory.
- dh) module of identification and travel documents for aliens.

Article 141

Use of data

1. The authorities responsible for the treatment of aliens shall administer and use the data collected on the alien, in accordance with the principles of data protection, and also make them available to the justice authorities, national security bodies, refugee related authorities and regional authorities dealing with the aliens and interested in this field.

2. Data collected and administered in accordance with this law and in accordance with the law for the protection of personal data shall be stored and used by the authority responsible for border and migration, for a defined term, but no more than it is necessary for the purpose for which they were collected or processed.

3. For legal reasons, the following authorities have the right to collect, administer, exchange and request availability of data for aliens:

- a) state authorities responsible for citizenship;
- b) state authorities responsible for employment of aliens;

- c) state authorities responsible for finance and customs issues;
- ç) authorities responsible for civil registry issues in the administrative of residence of the alien;
- d) authorities responsible for public health;
- dh) authorities responsible for education and science.

4. Ministry of the Interior, in cooperation with the institutions responsible for the management of statistical data on migration in the country, prepares annually Extended Migration Profile. The annual Migration Profile is adopted by decision of the Council of Ministers within the first 3 month period of the coming year and it is made public.

Article 142 **Storage of data**

1. Authorities responsible for the treatment of aliens, which collect and administer data on aliens, under articles 140 and 141 of this law, shall store them for a period of 5 years after the expiry of visa validity or temporary residence permit, or ten year period from the completion of administrative penalties or criminal proceedings. In cases of persons declared undesirable for a period of more than ten years, the term of storage of data is the same as that specified in the order declaring the alien an undesirable person.

2. Authorities responsible for the treatment of aliens, which collect and administer personal information on aliens, shall take appropriate technical and organizational measures to protect personal data from unlawful or accidental destruction, accidental loss, unauthorized access or disclosure to unauthorised persons, especially when data processing is performed in the network, as well as any other form of unlawful processing.

3. Anyone who has access to personal information collected, stored and processed by authorities responsible for the treatment of aliens, both during exercise of duty and after completion, shall be subject to the obligation to maintain confidentiality and non-disclosure of any personal information, unless otherwise foreseen by law.

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

Article 143 **Assistance for integration of aliens**

The law enforcement responsible authorities must ensure the conditions for integration of aliens, who have the right of residence in the Republic of Albania, in the economic, social and cultural life, according to the provisions of the legislation in force on integration of aliens in the Republic of Albania.

Article 144
Institutions and organisations concerned

1. The public institutions shall cooperate based on their competences, with social partners, NPOs and international organisations for the promotion and implementation of the programmes of integration of aliens in the society.
2. Public institutions and NPOs shall provide to aliens, during the exercise of their activities, protection against any form of discrimination.
3. Direct and indirect discrimination by legal persons, public and private, during the entire process of immigration for employment, shall be prohibited.

**CHAPTER XI
SANCTIONS**

Article 145
Penalties and enforcement

1. Violation of provisions of this law, unless it constitutes a crime, according to Albanian legislation, shall constitute an administrative offence and fine shall be imposed by the relevant authorities, in accordance with the legislation in force on administrative offences:
 - a) An alien who;
 - i) stays in the Republic of Albania without the required travel document, visa or residence permit, or does not fulfil the obligation to register or apply for a residence permit;
 - ii) is involved in remunerated employment or practices an occupation, without having the right to gainful employment;
 - iii) fails to comply with the obligation to report or request to appear before the authorities to provide information, if requested; shall be punished by a fine from ALL 20 000 - 30 000.
 - b) the alien who enters the country, while there is an order prohibiting entry against him, shall be punished by a fine from ALL 50 000 to 100 000.
 - c) the alien, who objects or fails to meet the requirements for verification of identity, citizenship or other related issues, in accordance with this law and its implementing acts, shall be punished by a fine from ALL 10 000 to 20 000;
 - ç) the alien, who violates the terms of stay stipulated in this law, but leaves voluntarily prior to the issue of the removal order by the border and migration authorities, shall be punished by a fine of ALL 50 000. If the term of stay has exceeded more than one month, the alien shall be punished by a fine of ALL 100 000.
 - d) Albanians or aliens who receive shelter, or provide services to aliens, contrary to the provisions of this law, without reporting to the authorities responsible for border and migration, shall be punished by a fine from ALL 300 000 to 400 000 per person;
 - dh) Albanians or aliens, who do not hold data registry for aliens, according to this law and its implementing acts, shall be punished by a fine from ALL 50 000 to 100 000 per person;

e) the alien, who loses his/her passport for aliens or documents issued by the migration authorities and fails to notify of this within the foreseen period, shall be punished by a fine from ALL 10 000 to 15 000;

ë) the alien who fails to appear for examination to the state sanitary inspector within 10 days after notification of this request of the responsible authorities, shall be punished by a fine from ALL 10 000 to 20 000;

f) the alien, who changes the destination of the activity, over which he/she has been issued the permission by the responsible authorities, or stays in the Republic of Albania for a reason other than that for which it is issued the residence permit or visa shall be punished by a fine from ALL 200 000 to 300 000;

g) state bodies, public, legal or natural persons who do not comply with the obligations arising from the provisions of this law shall be punished by a fine from ALL 200 000 to 300 000;

gj) carriers, who do fail to report or send in advance or fail to submit, complete and accurate list of passengers and staff, shall be punished by a fine from ALL 300 000 to 400 000 per person;

h) carriers transporting aliens who clearly do not meet the requirements for entering or transiting the Republic of Albania under the obligation set out in paragraph 1 and 12 of article 135 of this law shall be punished by a fine from ALL 300,000 to 400,000 thousand per person.

i) the parents or legal guardians who fail to assume legal responsibility under the provisions of this law shall be punished by a fine from ALL 50 000 to 100 000;

j) the employer or employee who is employed unlawfully, in violation of the provisions laid down by this law and its implementing provisions for the employment of aliens, shall be punished by a fine from ALL 350 000 to 400 000 per person;

k) alien or Albanian who enters into a fictitious marriage, to obtain a residence permit, without serious intentions of marriage, shall be punished by a fine from ALL 350 000 to 400 000.

2. Fines against aliens, as defined in this article, shall be decided regardless of any other administrative measure being taken, under the provisions of this law.

3. The format of the administrative act imposing the administrative measure shall be adopted by decision of the Council of Ministers.

Article 146

Enforcement of sanctions

1. The fines imposed against the alien according to the provisions of article 145 of this law shall constitute an executive title and shall be enforced by the authority imposing the fine in accordance with law in force on administrative offences.

2. The decision imposing a fine may be appealed against according to the legislation in force.

3. The alien may pay the fine even in foreign currency based on the daily exchange rate with the Albanian lek.

CHAPTER XII OTHER PROVISIONS

Article 147

More favourable provisions

1. The citizens of the United States of America shall be subject to a more favourable regime, based on which they shall reside in the Republic of Albania for a period of at least one year, without being provided with a residence permit and the initial residence permit for this category may be issued for a period of five years.

2. The citizens of the United States of America shall enjoy equal rights as the Albanian citizens as regards employment.

CHAPTER XIII TRANSITORY AND FINAL PROVISIONS

Article 148

Transitory provisions on the residence permits

1. The alien, who has been issued with 1-year residence permit, according to law no. 9959, of 17 July 2008 "On aliens", which term ends after the entry into force of this law, shall continue using the already issued residence permit, if the conditions for which it is granted remain the same, regardless of the different label of a residence permit foreseen by this law.

2. The alien who has been issued with 2-year residence permit, according to law no. 9959, of 17 July 2008 "On aliens", which term ends up to one year after the entry into force of this law, shall continue using the already issued residence permit, if the conditions for which it is granted remain the same, regardless of the different label of a residence permit foreseen by this law.

3. The alien who has been issued with 2-year residence permit, according to law no. 9959, of 17 July 2008 "On aliens", which term ends after more than one year after entry into force of this law, must appear before the regional authority responsible for border and migration to replace the issued residence permit within the 1 year period of entry into force of this law, if the conditions for which the already issued residence permit is granted remain the same.

4. The alien who has been issued with 2-year residence permit, according to law no. 9959, of 17 July 2008 "On aliens", which term ends after more than one year after entry into force of this law, must appear before the regional authority responsible for border and migration to replace the issued residence permit within the 1 year period of entry into force of this law, if the conditions for which the already issued residence permit is granted remain the same.

5. The alien, who has been issued with 5-year residence permit, according to law no. 8492, of 27 May 1999 "On aliens", the conditions for which it is granted this permission are the same, shall continue using the already issued residence permit, if the

conditions for which it is granted remain the same, regardless of the different label of a residence permit foreseen by this law.

6. The criteria, documentation and procedures for replacement of a residence permit under paragraph 3 and 4 of this article shall be determined by instruction of Minister of the Interior.

Article 149

Transitory provisions for work permits

Work permits issued to employees or self-employed persons, or exemptions from the obligation to obtain a work permit, in implementing the provisions of the legislation in force, before the entry into force of this law, shall be valid until their expiry date, unless cancelled by the responsible state authorities or become invalid, pursuant to the provisions of this law.

Article 150

Transitory provisions for residence permits

Residence permits issued to aliens in implementing the provisions of the legislation in force before the entry into force of this law, shall be valid until their expiry date, unless cancelled by the responsible state authorities or invalidated pursuant to the provisions of this law or sublegal acts issued for its implementation.

Article 151

Sublegal acts

The Council of Ministers shall, within 6 months from the entry into force of this law, issue sublegal acts in implementing article 6 paragraph 1 letter “e”, 16 paragraph 8, 17 paragraph 3, 19 paragraph 2, 20 paragraph 4, 22 paragraph 5, 24 paragraph 1, 5 and 6, 30 paragraph 1, 2 and 6, 33 paragraph 2, 34 paragraph 4 and 5, 38 paragraph 1 and 4, 56 paragraph 1 letter “a”, 65 paragraph 3, 70 paragraph 3, 71 paragraph 1, 73 paragraph 4, 75 paragraph 2, 76 paragraph 3, 82 paragraph 2, 86 paragraph 2, 105 paragraph 1, 120 paragraph 4, 141 paragraph 6 and 145 paragraph 3.

Article 152

Repeals

Law no. 9959, of 17 July 2008 “On aliens” and any other legal act and sublegal act contrary to the provisions of this law shall be repealed.

Article 153

Entry into force

This law enters into force 15 day following publication in the Official Gazette.

Speaker of the parliament
Jozefina Topalli (Çoba)