



Law “On Foreigners”

On 24.06.2021, the Albanian Parliament approved the law no.79/2021 “*On Foreigners*” (*New Law*), which abolished the Law no.108/2013.

The New Law is partially aligned with the EU acquis, aiming to improve foreigners’s regime of entry, stay, employment and exit the Republic of Albania.

It provides for the improvement of the necessary instruments related to issuance of electronic visas online.

However, no major changes are made to visa types, which according to the New Law are the following:

Visas

Type A: Airport transit visa with one entry which allows the holder to stay at the international zone of the airport until the departure of the flight for the final destination.

Type C: Short term staying visa which allows the holder to stay in the Albanian territory up to 90 days within 180 days.

Type D: Long term staying visa valid for 1-year which allows the holder to stay in Albania up to 90 days within 180 days and to apply for the issuance of a residence permit.



Foreigners entering the Republic of Albania without a visa may stay within the Albanian territory for a period of 90 days within 180 days from the first entry. The visa application from a foreigner should be submitted no more than 90 days before the scheduled date of his arrival in the Republic of Albania.

Further, the New Law has made minor changes to residence and work permits types as well as the application procedures.

- *Residence Permits*

Residence permits are required for all international citizens that need to stay in Albania for more than 90 days.

According to the New Law, types of the residence permits issued from the Albanian border and migration authorities are the following:

Type A: not renewable residence permit which allows the holder to stay in the Republic of Albania for the validity period of the permit;

Type B: unique residence permit which allows the holder to stay in the Republic of Albania for the validity period of the permit, which is renewable;

Type C: unique permanent residence permit;

Type Card Blue AL: unique residence permit issued to highly qualified employees, which is renewable;

Type Card Blue AL-C: unique permanent residence permit issued to highly qualified employees.

Also, some additions have been made to new terms related to “*Au pair*” foreigner, as key personnel and its categories, the motives of the unique residence permit referring to “*digital mobile employees*” which is initially issued for a term of up to 1- year.

The application for a residence permit must be submitted within the first 30 days of residence in Albania and must be conforming to the purpose of the visa used for entering Albania.

Terms and duration of residence permits

Residence permits are issued for a period of:

- a) 3 months, 6 months and 1-year (*renewable up to 5 consecutive times*);
- b) 2 years (*renewable only once*);
- c) permanent, in case the foreigner has resided in Albania for more than 5 consecutive years and has strong ties and activity in Albania.

Pursuant to the New Law, citizens of USA, European Union and Kosovo can be provided with an initial residence permit for a term of 5 years.

A foreigner provided with a residence permit must register his address of residence with the competent office of the respective local government unit. Failure to comply with such registration within the legal term, will result in the cancellation of the permit.

Also, a foreigner provided with a residence permit, could stay outside the Albania territory for a period up to 180 days, for justified reasons upon a prior notification to the police office regarding the reasons for leaving Albania.



- *Unique Work Permits*

Foreigners working in the Republic of Albania, depending on the specific case, must be equipped with a unique work permit.

The examination of application and issuance of the unique permit, when the general criteria set out in the law are met, is performed by the Albanian border and migration authorities within a period from 4 to 12 weeks. Upon the application, the foreigner would be provided with a certificate of acceptance of the application.

Border and migration authorities may issue a unique permit after obtaining the approval from the National Agency for Employment and Skills, unless otherwise provided by this law and international agreement.

Pursuant to the New Law, the following categories are exempted from the obligation of obtaining the approval from the National Agency for Employment and Skills:

- (a) Citizens of countries part of the EU, Schengen zone, USA and Western Balkans, Bosnia and Herzegovina, Montenegro, Kosovo, Serbia and North Macedonia, which have the same right of employment as Albanian citizens, except cases where the legislation in force requires Albanian citizenship for the job position;
- (b) In case of staying of one month within one year (i) foreigners who negotiate an agreement or take care of a pavilion; (ii) business visitors; (iii) crew of aircrafts; (iv) lecturers, researchers or foreign specialists who come into Albania pursuant to governmental bilateral agreements or educational institutions agreement; (v) trainers who come into Albania pursuant to governmental bilateral agreements or educational institutions agreement; (vi) employees of humanitarian organizations active in Albania pursuant to international programs of cooperation;
- (c) Crew of ships, in case of staying of two months within one year;
- (d) Foreigners employed in different sectors, who repair consequences deriving from natural disasters.

Sublegal acts

The Council of Ministers and respective Ministries responsible shall issue the relevant sublegal acts for the implementation of the New Law.

For additional information please feel free to contact us at the following:

setting@settinglaw.com

SettingLaw Office

11/2 Twin Towers

Deshmoret e Kombit Blvd.

1019 Tirana

Albania

M: +355 68 20 21227

www.settinglaw.com

The enclosed material has been prepared for general informational purposes only and does not constitute legal advice.

© 2021 SettingLaw. All rights reserved.