

Law No. 8772 dated 19.04.2001

ON THE GUARD AND CONTROL OF THE STATE BORDER OF THE REPUBLIC OF ALBANIA

In pursuance of Articles 78 and 83/1 of the Constitution, upon the proposal of the Council of Ministers,

THE ASSEMBLY
OF THE REPUBLIC OF ALBANIA
DECIDED:

CHAPTER I

Article 1

Scope of the law

This law determines:

1. The rules for the guard and control of the State border of the Republic of Albania;
2. The rules for the border crossing of Albanian and foreign citizens and their transportation means out and into the territory of the Republic of Albania;
3. The relevant State structure and its status, with the goal to guarantee the application of these rules.

Article 2

Definitions

In application of this law, the terms listed below have the following meaning:

1. "Border crossing" is the action of the crossing from a territory of a State to the territory of another State.
2. "Control of the State border crossing" is the control of persons and transportation means that enter or exit at the border crossing points and the control of the validity of their relevant documentation at the moment of border crossing.
3. "The guard and control of the State border" is the observation and control of movement on both sides of the State border to prevent the illegal activity and incidents at the border.
4. "Border crossing point" is the part of borderline in land, water and airspace where the crossing of the State border is legal.
5. "Borderline" is the real or imaginary delimitation line, which divides the territory of the Republic of Albania from the territory of the neighbouring countries in land, subsoil, rivers, lakes, sea and airspace. With it (*the borderline*) is also equalised the delimitation line of the territory of the Diplomatic Missions, of the aircraft and vessels which legally hold the flag of another country.

CHAPTER II

Article 3

Structure and activity

1. The Border Police shall be responsible for the control of the border crossing in conformity with the law, as well as for the guard and control of the border. It is part of the State Police.
2. The activity of the Border Police shall be based on the Constitution, the Law on State Police, and on international agreements, which regulate border and emmigration issues and to which Albania is a Party.
3. The Border Police shall have its structure and personnel, which shall be approved by the Minister of Public Order.

Article 4

The duties of the Border Police

The Border Police have the following duties:

1. To keep under observation the State border.
2. To control periodically the border signs and to implement the obligations of the bilateral agreements on the delimitation of borders concluded with neighbouring countries.
3. To apply and take measures against the illegal border crossing.
4. To apply the legal procedures for the detection, verification, documentation and arrest of smugglers, and to seize transportation means which enter or exit through the border with irregular documents.
5. To verify the necessary data, to check and refuse at the Border Crossing Points and at the borderline the foreign citizens and their transportation means that have crossed or are trying to cross the border illegally. If the foreign citizen refuses to go back or has been stopped within the Albanian territory and if it is concluded of his/her illegal entrance, he/she shall be sent to the temporary reception centres for foreigners.
6. To take measures to stop persons who carry out illicit activities across the border as well as the wanted persons; to seize the transportation means and goods which have been crossed illegally; to notify the relevant Customs Office if doubts arise or if they (the Border Police) have information that the Code of Customs Duties was infringed.
7. To take measures to guarantee the fulfilment of obligations deriving from border agreements in order to prevent and to resolve border incidents.
8. To control the applicability of traffic regulations at the border, to assist the protection of the life and property of the inhabitants of the border area, to take preventive measures for the illegal entering of the foreigners and foreign transportation means into the territory of the Republic of Albania.
9. To collect data on the interest of the control and guard of the border as well as border crossing.
10. To take preventive measures with regard to border incidents and, in particular situations, to handle and tackle provocative incidents at the border.
11. To control the application of navigation regime in the internal and territorial waters of the Republic of Albania.
12. To control the identity documents of persons and vehicles during their passage at border crossing points and other sectors of the border.
13. To fulfil the obligations deriving from international conventions and multilateral or bilateral agreements for the movement of persons and goods.
14. To carry out at the Border Posts and Border Crossing Points relevantly the task of maintaining public order and the task of the Traffic Police.
15. To control the validity of documents of persons and vehicles at the Border Crossing Points.

16. To issue visa or give visa confirmation in accordance with laws and secondary legislation.
17. To put in evidence the necessary data about the documentation of persons and vehicles, of any particular situation or other details in order to permit or to prohibit the border crossing.
18. To carry out physical and detailed control of the people, luggage and vehicles when necessary.
19. To give the necessary directives for the application of procedures regarding the control and border crossing.
20. To demand from Albanian and foreign citizens at the Border Crossing Point to abide by the rules on the control and to clarify all circumstances relating with the border crossing, determined by this law or other legal acts issued in application of this law.
21. To refuse the entrance or exit of foreigners or of the transportation means of Albanian or foreign citizens, into or out the Republic of Albania when they are not in compliance with the conditions determined by the law or international conventions.
22. To carry out meetings with their counterparts of neighbouring countries and other authorities in order to implement mutual agreements and to exchange data for the purpose of their implementation.
23. To ensure that asylum seekers or persons granted asylum are not returned or *refouled* out of the territory of Albania in compliance with the provisions of the legislation in force.
24. To receive asylum requests from foreigners at the Border Cross Points. An asylum request is any statement (verbal, or written or by gesture) of a foreigner through which he/she requires protection in the Republic of Albania. In this case, the border police shall notify the Office for Refugees and UNHCR on the fact of having received an asylum request. These entities will ensure the transport of the asylum seeker to the respective reception center. Until this transfer takes place, the Border Police shall ensure that the asylum seeker is not returned back to the country from which he/she arrived.

Article 5

The treatment of foreigners who enter illegally

1. The foreigners who enter illegally into the territory of the Republic of Albania and who are caught by the Police in the border areas or within the territory of the country, shall be sent in the temporary reception centres for foreigners.
2. The Council of Ministers shall decide about the location of these Centres and specify the regulations for their functioning.

Article 6

Co-operation

1. The Border Police shall co-operate with other State institutions, the relevant organs of local government and with other non-State entities in the performance of their duty of to control and guard the State Border.
2. The Border Police shall co-operate with the respective Border Police of neighbour and other countries for fulfilling the obligations deriving from this law.

Article 7

The means and special techniques

For the execution of the duties conferred upon it by this law, the Border Police shall be equipped with special technical means, the type and usage of which shall be indicated by an instruction of the Minister of Public Order.

Chapter III

The guard and control of the State border

Article 8

The guard and the control of the State border

The guard and control of the State border aims to secure the inviolability of the territorial integrity of the Republic of Albania, the maintenance of the border marks, the guarantee of life and property of the persons inhabiting close to the border line, the prevention of incidents and border provocations, and the prohibition of illegal border crossing of persons, goods and transportation means.

Article 9

The border marks

The Border Police shall place, maintain and clean the border marks in compliance with bilateral agreements with the neighbouring countries.

Article 10

Joint Commissions

1. Local or central joint commissions with neighbouring countries shall be created to prevent and solve the border incidents.
2. The activities of these commissions shall be regulated in accordance with the agreements concluded with the neighbouring countries and with the instructions of the Minister of Public Order.

Article 11

The cleaning of the border line

1. In accordance with relevant agreements, the vegetation along the State border at land shall be cleaned. Adjacent to the borderline, to ensure visibility, it is forbidden to plant trees or other agricultural plants.
2. It is forbidden to make constructions within a distance of 50 meters from the borderline. In particular cases, in the interest of the national security, it shall be allowed to build with the permission of the Council for the Regulation of Territory of the Republic of Albania.
3. The land owners of the border areas shall be obliged to allow that the Border Police carries out its services and the placement of border marks for the purpose of the control and guard of the State border.

Article 12

Movement and activity nearby the border line

1. The movement or other activities within a distance of 300 m from the border inside the Albanian territory shall be allowed with the knowledge of the Border Police. These provisions shall not be applicable for the inhabitants of the villages nearby the border area.
2. Along the line of the State Border it is indicated a border zone of 10 km. in depth, where the Border Police has the right to exercise individual controls to the persons, vehicles and goods to avoid a danger which threatens the national security.
3. In the mountainous or particular border area which are remote from inhabited locations, the movement, the economic, cultural and religious activities shall be carried out in accordance with the rules established by the local government in co-operation with the Border Police.

Article 13

The ban on hunting

It shall be forbidden to hunt with gunfire or explosives close to the borderline. In particular cases their use is allowed with the permission of the local Border Police.

Article 14

The unchange of the status

The status of the Border Police shall not change in case of war, state of emergency or force majeure. In those cases, the Border Police shall co-operate with the relevant structures of the Armed Forces.

CHAPTER IV

Article 15

The control by the Border Police

The Albanian or foreign citizens and the transportation means that enter into or exit from the Albanian territory shall be submitted to the control of the Border Police. This provision shall not apply if otherwise specified in law or in international agreements.

Article 16

The Border Crossing Point

1. The Border Police shall apply the procedures related to border crossing control within the area indicated for that control.
2. In the cases when, in pursuance of an international agreement the control is carried out in the territory of a neighbouring country, the border authority shall respect the requirements of the agreement.

Article 17

The control of the transportation means

In agreement with other States and in accordance with the contracts concluded with transportation agencies, the control of the Border Police in trains, aircraft, ships or ferryboats and other transportation means can be also carried out during the trip out of the control area.

Article 18

Control in particular situations

In case of heavy traffic, severe occurrences or force majeure, when the interest of public order is not threatened or to accelerate the cross bordering of persons and transport means carrying humanitarian aid, upon the request of relevant international organisations, the border crossing shall be done with accelerated procedures of control, or the control shall be done at intervals. In those cases the authorisation shall be issued by the respective heads of the central institutions.

Article 19

Particular equipment

1. The members of the Border Police at the Border Crossing Points at ports and airports shall be equipped with special equipment to prevent the activities which risk the life and security of the persons who travel, and to control their luggage.
2. The type of this equipment and their use shall be determined by the orders of the Minister of Public Order.

Article 20

State Authorities

The State authorities who perform their tasks at the control area of the border crossing point, shall wear uniforms and shall be equipped with identity cards, issued by their supervisors.

Article 21

Permits at the Border Crossing Points

1. The movement and staying of other persons at the Border Crossing Points shall be allowed only by the permission of the local Border Police. The permit shall have a one-day duration, in accordance with the form approved by the Minister of Public Order.
2. The directors of central institutions and entities shall be equipped with a permit of one-year duration. The permit for entering and staying at the control area of the border point is issued by the Director of the Border Police.

Article 22

Tasks of the Border Police

The Border Police, in accordance with international agreements in force, shall extradite or take over in extradition from other countries, persons of Albanian citizenship or other persons who have passed the border illegally or have acted in conflict with the law.

Article 23

Passage of the border

1. The border crossing shall be done only at the Border Crossing Points and with regular documents. The entry and exit of foreigners into and from the territory of the Republic of Albania is done before the members of the Border Police, in compliance with the procedures determined by this law.
2. The crossing of the border outside the Border Crossing Points shall be allowed only on the basis of international agreements and in case of force majeure.
3. A person who enters the territory of the Republic of Albania to seek asylum, or has requested asylum to officials of the Border Police, shall be allowed to enter or to remain in the territory of the Republic of Albania without documentation required for the entrance or stay of foreigners established by this law and the Law on Foreigners, No. 8492, dated 27/05/1999.

Article 24

Classification of the Border Crossing Points

1. On the basis of their importance and activity, the Border Crossing Points are classified into Border Crossing Points for international communication and Border Crossing Points for border communication.
2. The activities at the Border Crossing Points may be started or interrupted temporarily or permanently in accordance with international agreements.
3. The Border Crossing Points are indicated by the decision of the Council of Ministers.

Article 25

Control area for border crossing

1. In each Border Crossing Point there is a control area for border crossing.
2. The procedures of control for crossing the State border shall apply within the control area. Indication marks shall be placed at the entrance of the control area.
3. The space, the work regime and the procedures at the control area shall be determined by an instruction of the Minister of Public Order.

Article 26

Special Situations

In case of heavy traffic, severe events or force majeure, the local authority of the Border Police in collaboration with the customs authority and in agreement with the respective authority of the neighbouring country, shall determine the measures to be taken to respond to the situation by means of bilateral arrangements.

Article 27

Railway Border Crossing Points

At the Railway Border Crossing Points, the trains are allowed to stop only within the control area of the State border. The stop of trains in the space between the borderline and the control area occurs only in case of force majeure. In that case the personnel of the train should immediately warn the nearest Border Police authority.

Article 28

Control of the navigation means and the disembark

1. The Albanian or foreign ship shall be submitted to the control for border crossing and the captain should present to the Border Police all the necessary border documents.
2. The captain of the Albanian or foreign ship at the control area should warn the Border Police about the presence on board of the ship of persons without or with irregular documents.
3. The crew and the Albanian or foreign passengers of the ship shall be allowed to land only after the conclusion of the procedures on border crossing control.
4. The captain of the ship shall not embark or disembark away from the coast of the Republic of Albania, persons who are not submitted to border control procedures at the Border Crossing Points, with the exception of those cases where help has been asked because of force majeure. When for different reasons the ship is anchored out of the State border control area, its captain should immediately warn through the controller of the port the nearest local Border Police authority.
5. Foreign sailors on board of non-warships with a foreign flag, may land in the port or make visits in town or in nearby areas upon the request of the captain of the ship and the issuance of individual permits issued by the port's Border Police authority.

Article 29

The landing of passengers and members of crew

1. Members of crew and passengers of Albanian or foreign aircraft shall be allowed to land and to stay at the border control area of the Border Crossing Point with the permission of the Border Police authority. They shall not leave the control area before the conclusion of the control procedures.
2. In cases of emergency, when the aircraft lands in airports without any border police's or customs' service, the captain of the aircraft should warn the nearest State Police authority.

Article 30

Conditions to execute control

1. The State or non-State entities, local or foreign, which use, or run ports, airports, and other transportation entities, shall ensure the necessary conditions to execute normal control procedures for border passage.
2. These entities should guarantee the conclusion of all control procedures for border crossing by the Border Police.

Article 31

Exchange of foreign ships and crew

The exchange of foreign ships and their crew that are deployed in the territory of the Republic of Albania in accordance with mutual agreements with other countries, shall be carried out with the authorisation of the respective head of the State institution, after prior submission to the control of Border Police while crossing the State border.

Article 32
Foreign vessels

1. The foreign vessels shall carry out tourist, sport, scientific research and other similar activities in the internal and territorial waters of the Republic of Albania after being submitted to border control.
2. The permission to exercise the activity is issued by the head of the Central State authority, while the permission for navigation is done with the knowledge of and under the control of the local Border Police.
3. In cases of international sport activities, the cross bordering of vessels shall be allowed with prior notice addressed to the local Border Police about the time, the number of vessels and the itinerary of navigation.
4. The driver of a vessel shall not be allowed to anchor and to embark or disembark persons without documents out of the border control area.
5. A similar procedure with the above is also applied in cases of sport activities with aircraft.

Article 33
The border crossing in points other than the Border Crossing Point

The permission to cross the border in areas other than the Border Crossing Points shall be done in particular cases when foreseen by common agreements with other States. In those cases the border crossing and the work at the borderline shall be carried out after a special permit of the Central Directorate of the Border Police has been issued and under its observation and control. The special permit is valid only for the site of the territory where work is being done or where joint activities are performed, according to the agreement.

Article 34
The permit for the foreigners to carry weapons

1. The military men and members of foreign police as well as other persons who enter or stay in the Republic of Albania on official visits or on the basis of common agreements, and who are holders of weapons, shall be allowed to enter with the permission of the Director of the Border Police.
2. The permission is given back (*by its holder*) to the border police authority upon their exit from the Albanian territory.

CHAPTER VI

SANCTIONS

Article 35
Administrative contravention

The following provisions constitute administrative contravention:

- a. The violations of Article 11(2), Article 28, Article 31 which are fined with a sum amounting from 10.000 to 50.000 Lek.
- b. The violations of Article 23(1) and 23(2), Article 15, Article 11(1) and 11(3), Article 21 and Article 13 which are fined with a sum amounting from 1.000 to 5.000 Lek.

- c. The violations of Article 29, Article 30 and Article 33, which are fined with a sum amounting from 5.000 to 10.000 Lek.

Article 36

Execution and complaint

1. The local Border Police authority shall give the fine after the administrative contravention has been committed.
2. The complaint and the execution of the fine shall be done in accordance with Law No. 7697 dated 07.04.1993 "On administrative contravention".
3. Foreign citizens may pay the fine also in foreign currency, in accordance with the daily exchange rates.

Article 37

The return of foreigners who are not allowed to enter the Republic of Albania

1. In cases when a foreign citizen is travelling by train, aeroplane, ship or other transport means and for grounded reasons is not allowed to enter the Albanian territory, the travel company must take him back to the country of origin on its own expenses.
2. In case of repetition of similar actions, the travel company, besides the expenditures of return, shall pay a fine from 10.000 to 50.000 Lek.

Chapter VII

FINAL PROVISIONS

Article 38

Abrogation

The Decree No. 5222 dated 21.11.1974 "On the rules of landing and staying of persons, the crew of foreign vessels at the Albanian ports", the Law No. 8342 dated 06.05.1998 "On the border police", and any other provision which is contrary to this law shall be abrogated upon the entry into force of this law.

Article 39

Entry in force

This law enters into force 15 days after its publication in the Official Gazette.