



Unofficial translation

## L A W

No. 9034, dated 20 March 2003

### ON THE EMIGRATION OF ALBANIAN CITIZENS FOR REASONS OF EMPLOYMENT

On the basis of articles 78, 81, point 1, and 83, point 1, of the Constitution, on the proposal of the Council of Ministers,

T H E A S S E M B L Y

OF THE REPUBLIC OF ALBANIA

D E C I D E D:

#### CHAPTER I

#### GENERAL PROVISIONS

##### Article 1

###### Object

1. This law regulates the relations, in the field of emigration, of Albanian citizens who leave the Republic of Albanian for purposes of employment.
2. The State is to guarantee the care and protection of its emigrant citizens, as well as the maintenance and reinforcement of their ties to the Republic of Albania.

##### Article 2

###### Definitions

For the purposes of this law, the terms below have the following meaning:

1. An "emigrant" is considered to be Albanian citizens who leave the Republic of Albania for other countries for purposes of employment, in accordance with the legislation of Albania and of the host country.
2. A "host country" is considered to be the country where Albanian citizens emigrate for purposes of employment.
3. A "long-term emigrant" is considered to be an emigrant who stays abroad for a time period longer than one year.
4. A "short-term emigrant" is considered to be an emigrant who stays abroad for a time period shorter than one year.
5. An "emigrant employee" is considered to be persons who are employers, employees and self-employed and who are employed in another country without being citizens of that country.
6. A "family member" is considered to be first-degree ancestors or descendants as well as other dependents, based on Albanian legislation.
7. "Irregular emigrants" are considered to be Albanian citizen emigrants who do not satisfy all conditions and requirements determined by the host country concerning entry, residence and exercise of activity in the territory of that state.
8. "Private employment agencies" are considered to be natural or legal persons who offer employment services inside and outside the territory of the Republic of Albania.

##### Article 3

## **Subjects**

The subjects of this law are Albanian citizens who, for purposes of employment, emigrate to another state, according to the provisions of this law and of international standards accepted by the host country as well.

## **CHAPTER II**

### **THE RIGHTS OF ALBANIAN CITIZENS**

#### **TO EMIGRATE**

#### **Article 4**

##### **The Right to Emigrate**

1. Each person has the right to leave the territory of the Republic of Albania.
2. The right to leave the territory of the Republic of Albania is not to be limited, except when this is done to protect national security, public order, public health, morals, [and] the rights and freedoms of others, according to conditions provided in law and in compliance with general principles of international acts to which Albania is a party.
3. The right to depart is to be limited by a court decision.
4. Each Albanian citizen who leaves the territory of the Republic of Albania has the right to return. The possibility to be supplied with a laissez-passer is given by diplomatic missions to each Albanian citizen who is outside the territory of the Republic of Albania.

#### **Article 5**

##### **Political Freedoms and Rights**

1. Albanian citizen emigrants enjoy the political freedoms and rights provided by the Albanian Constitution and legislation in force, while taking part actively in the political life of the country.
2. The state creates facilities for emigrants who return to the fatherland in order for them to exercise the right to vote in accordance with the Electoral Code.

#### **Article 6**

##### **Representation of Interests**

The Albanian state secures and supports contact of Albanian emigrants, through representatives chosen by their organizations, with local and central government organs in order to present and protect their interests.

#### **Article 7**

##### **The Right to Services**

Emigrant employees have the right to information and counselling free of charge in the field of professional development, to services and intermediation for employment, to social protection, to the organization in labour unions, as well as to the recognition of their living conditions and possibilities for shelter, education and social security.

## **CHAPTER III**

### **DUTIES OF THE ALBANIAN STATE**

#### **TOWARD EMIGRANTS**

#### **Article 8**

##### **The Guarantee of Free Movement**

1. The Albanian State is to guarantee free movement to its citizens for the purposes of employment, to enter into contracts for employment with host countries, to assist and facilitate the integration of emigrants in host countries, in compliance with the rights and obligations that flow from international treaties to which Albania is a party.

2. Albanian citizens who wish to emigrate from Albania for purposes of employment are to be registered in a special register "On Emigrants", which is kept by the Ministry of Labour and Social Affairs.

#### **Article 9**

##### **False Information**

1. The Albanian state prohibits any kind of false information given by natural or legal persons as well as illegal activities for purposes of profit in the field of emigration by Albanian citizens for the purposes of employment.

2. The exercise of the above activities is to be punished in accordance with the provisions of the Criminal Code.

#### **Article 10**

##### **Consular Services**

1. The Albanian state, through its consular services in the host countries, is to assist and facilitate the solution of Albanian citizen emigrants' problems.

2. The fees for consular services for emigrants are to be defined in a special law.

3. In host countries where there is no diplomatic mission of the Republic of Albania, this activity is to be carried out by diplomatic missions accredited in other countries as well as by honorary consuls appointed in compliance with law no. 8372, dated 9 July 1998 "On the exercise of consular functions by diplomatic or consular missions".

4. The Ministry of Labour and Social Affairs, in co-operation with the Ministry of Foreign Affairs, is to draft and implement programmes for the training of consular service personnel in the field of emigration.

#### **Article 11**

##### **Maintenance of ties between communities**

1. The state is to support and assist the establishment, strengthening and development of Albanian communities abroad, to collaborate with them by consolidating the activities undertaken in Albanian clubs, unions, associations and families with the aim of strengthening the ties among them and the ties with the home country.

2. The state, observing the legislation of the host country as well as the bilateral and multilateral agreements to which the Albanian Republic is a party, cares for education in the Albanian language of emigrants and their families, creates conditions for preserving the national language, culture and heritage as well as the spiritual ties among the emigrant communities.

#### **Article 12**

The Albanian state also cares for those citizens and their families who live and work in host countries but have not yet gained emigrant status.

#### **Article 13**

The state is to encourage the voluntary return of emigrants to the home country and their re-integration in the economic and social life of the country by creating legal, financial, and fiscal facilities and by implementing programmes for the development of business, of employment and of vocational training. The respective measures and structures are to be defined in a Decision of the Council of Ministers.

#### **Article 14**

The state creates facilities and favourable conditions for monetary transfers of emigrants to Albanian banks.

#### **Article 15**

1. Social security for long-term and short-term Albanian emigrants is to be regulated on the basis of the legislation for social

social security of the Albanian state and of the host country, bilateral agreements in this field and the international treaties on social security to which the Republic of Albania is a party.

2. The Albanian state, through its respective structures, encourages the establishment of agencies for paying voluntary social security contributions by emigrants in host countries.

## **CHAPTER IV**

### **STATE AND PRIVATE EMIGRATION**

#### **STRUCTURES**

##### **Article 16**

The Ministry of Labour and Social Affairs is the national authority authorised to prepare policies and propose changes to the emigration legislation by submitting them to the Council of Ministers for approval.

##### **Article 17**

###### **The Ministry of Labour and Social Affairs**

The Ministry of Labour and Social Affairs, through the structures subordinate to it, in collaboration with ministries and non-profit organizations, exercises its authority as follows:

- a) caring for Albanian emigrants before they leave the country, during their stay in the host country and during their return to the Republic of Albania;
- b) planning, implementing and evaluating emigration policies;
- c) entering agreements with other countries to facilitate the legal emigration of Albanian citizens, facilitating their stay in the host countries and guaranteeing their rights according to the legislation of the host countries in compliance with international treaties on the rights of emigrants;
- ç) studying and proposing special economic and social policies that stimulate emigrants to invest their savings in Albania with an aim to reintegrate them;
- d) preparing laws and secondary legislation in the field of emigration.

##### **Article 18**

###### **Private employment agencies**

The state recognizes and supports the activity of private employment agencies which consist of:

- a) services linked with intermediation between job seekers and employers outside the territory of the Republic of Albania without being a party to the employment relations that may arise out of such intermediation;
- b) information services related to the training of employment seekers to make them available to natural or legal subjects;
- c) providing information and intermediating to manage the employment of Albanian citizens within and outside the country.

## **CHAPTER V**

### **TRANSITIONAL AND FINAL PROVISIONS**

##### **Article 19**

Albanian citizens who emigrated before this law enters into force shall be registered in the register "On emigrants" at the Ministry of Labour and Social Affairs.

**Article 20**

The Council of Ministers and the Ministry of Labour and Social Affairs shall be responsible issuing the secondary legislation needed for enforcing this law.

**Article 21**

Law no. 7939, dated 25 May 1995, "On emigration", as well as any other legal provision in contradiction with this law are abrogated.

**Article 22**

This law becomes effective 15 days after its publication in the Official Journal.

Promulgated by Decree no. 3779, dated 16 April 2003, of the President of the Republic of Albania, Alfred Moisiu.