

DECISION

No. 439, Dated 4.8.2000

ON THE ENTRANCE, STAY AND TREATMENT OF THE FOREIGNERS IN THE REPUBLIC OF ALBANIA

Based on the article 100 of the Constitution, and article 83 of Law No. 8492, dated 27.5.2000 "For foreigners", upon the proposal of the Minister of Public Order, the Council of the Ministers

D E C I D E D :

1. The foreign citizens who enter or leave the territory of the Republic of Albania, are obliged to pass the border only through the Border Pass and Control Points (BPCP). The passing through the other part of the State border is considered as illegal, except for the cases foreseen in the bilateral or multilateral agreements on the solution of the probable incidents at the State border, or for the maintenance of the State border line as well as for the cases when foreign citizens present themselves through different directions of the State border to seek asylum in the Republic of Albania.

2. At the BPCP, after the control of the documents is kept the evidence which consists in:

- Registration of the foreign citizens, who at the exit result to have violated the dispositions in power on the foreigners, (expiring of the stay time limit, change of the points established for entry and exit, etc)
- Compilation of the general report on the foreigners who enter and leave the Republic of Albania.

3. The Border Police in the BPCP communicates to the foreign citizens that they have to present themselves at the Police Commissariat of the place where the foreigner will stay.

Only the foreign citizens who will stay in the territory of the Republic of Albania longer than 20 days will present themselves at the Police Commissariat. The foreign citizen at the Police Commissariat will fill the declaration following the model attached to this decision.

Will not present themselves at the Police Commissariat the personnel of the foreign missions, the employees of the foreign diplomates, the persons under the age of 16, the religious clerks, the crew members (ship or aeroplane), as well as the foreigners who are operating at the public institutions.

4. The foreign citizens enter in the territory of the Republic of Albania presenting to the border police valid travel documents such as passport, identity card, border document, lasser- passes, lasser – passes of the United nations Organisation and its affiliates, Council of Europe, European Union, NATO and travel document.

The foreign citizens may enter the territory of the Republic of Albania without a visa, possessing a visa issued at the border by the border police or a visa issued by the Consular Office of the Republic of Albania abroad, in accordance with the stipulation made in the Attachment no.8, enclosed to this decision.

The Ministry of Public Order communicates to the Ministry of Foreign Affairs any change in the entry and visa regime for different countries.

5. At the border or inside the territory of the Republic of Albania will be accepted with or without identity documents the foreign citizens who claim that will enter or have entered in the Republic of Albania to seek asylum. For the asylum seekers the State Police, after having in written the asylum request of the foreigner, immediately the Ministry of Foreign Affairs, the Office for Refugees and the Office of the High Commissariat for the Refugees in Albania. In these cases the foreign citizens are kept at the police station but not longer than 10 hours from the submission of the request, until their taking and accompanation by the responsible organs to the centre for refugees.

6. The sailors of the navigation vehicles, the crews of the airplanes, the drivers of the road transport vehicles who are legally in the territory (ports, airports or BPCP) of the Republic of Albania may enter in the Albanian territory on transiting pass purposes using also the sailing or navigation passport. The transiting visa, according to the case, is issued at the BPCP in compliance with the acts regulated in the Order of the Minister of the Public Order.

7. At the consular offices in the missions of the Republic of Albania abroad, the visa applicant, who travels with simple passport presents these documents:

- The documents established in article 9 of the Law No.8492, dated 27.5.1999 “For foreigners”.
- The verbal request for a visa
- The warranty from the host in the Republic of Albania (in original copy)
- The vaccination record, when the concerned person comes from countries touched by epidemics.

In addition to the request and the warranty the concerned person fills the standard form, according to the attachment 1 enclosed to this decision.

8. At the BPCP, the foreign citizens who enter in the Republic of Albania without a visa as well as those who are issued the visa at the border, but who hold simple passports, submit:

- The documents established in article 9 of the Law No.8492, dated 27.5.1999 “For foreigners”.
- The warranty from the host in the Republic of Albania (in original copy)

- Photocopy of the vaccination record, when the concerned person comes from countries touched by epidemics.

The procedure for the issuance of the visa at the border, for the entry at the border is defined in the bilateral agreements, when they exist or in the joint acts of the Minister of Public Order and the Minister of Foreign Affairs. For the citizens who enter in the Republic of Albania without a visa as well as for those who are issued the visa at the border, the stay time frame may not be longer than 30 days.

9. The visa that is issued by the responsible organs may be individual or collective. The collective visa is issued for not less than 10 persons and for not more than 40 persons.

The prolonging of the visa stay timeframe may be done until the half of the initial stay time frame, when the foreign citizen is physically in the Republic of Albania. The stay time frame in the initial visa and the stay timeframe in the prolonged visa should not pass the 90 days. The approval of the visa stay time for the members of the diplomatic body, for the foreign officials who are in mission in Albania and for the foreigners who are foreseen in the agreements in power and who are established by special act, is done by the Ministry of Foreign Affairs. For the other cases, when the foreign citizen is in the territory of the Republic of Albania the approval of the visa stay time is done by the ministry of the Public Order.

10. The foreign citizens who enter in the Republic of Albania and will stay for more than 90 days are provided by the Ministry of Public Order with stay permission, which is renewable.

The request for stay permission or for its renewal is submitted at the Local Police Commissariat where the foreigner has chosen his temporary residence.

For the issuance of the stay permission, the foreigner has to submit at the local police commissariat where he has chosen his residence, these documents:

- a. The request for stay permission, where will be established precisely the purpose of the visit and the address of the place where he will stay in the Republic of Albania;
- b. The passport which has enable the legal entry in the Republic of Albania and a notarised photocopy of the pages of the passport that hold data of concern (the page containing the photo and the generalities of the holder, the page that contains the Albanian visa, as well as the page containing the dated entry stamp). The passport is given back to the interested person at once; the photocopy is kept in the file;
- c. Certificate of the judicial state, issued in the country of origin;
- ç. Good behaviour letter by the police organs of the country of origin for the last six months;
- d. The house rent contract;
- dh. Translated and notarised family state certificate , if the person is married;

- e. Two photographs 3.5 x 4.5 cm, for each person of the family state;
- ë. Financial guarantees as notarised photocopies of legal documents for the permission to exercise the economical or humanitarian activity, banc guarantees, savings record;
- f. Certificate from the host or the employer on the motives of stay, adaptability for the declared activity, involvement in the activity, the need of such involvement.

All the acts should be produced and issued in the last three months, from the date of their submission at the local police commissariat.

Before the proceeding for the providing with stay permission, should be taken the confirmation by the record section of the State Information Service.

For the asylum seekers and those who are under temporary protection, the request is submitted at the Office for Refugees.

11. To renew the stay permission the foreigner has to submit at the local police commissariat these documents:

- a. The request for the renewal of the stay permission where is clearly established the purpose of the renewal;
- b. Financial guarantees as notarised photocopies of the legal documents for the allowance to exercise the economical or humanitarian activity, bank guarantees, savings record;
- c. Photocopy of the previous stay permission;
- d. One photograph 3.5x4.5 cm for the person who wants to renew the stay permission.

During the period when the documents of the stay permission demander are being processed in the State institutions his stay will be considered as legal until the receive of the respective reply.

12. The foreign students accepted in the public or private education institutions in the Republic of Albania are provided with stay permission with precedence, after their request and the written certificate of the educational institution. With regards to the payment, in the case of the students, the reciprocity principle is applied.

13. The foreigners who have helped for our national interests and who ask for permanent residence permission in the Republic of Albania are recommended by the Science Academy of the Republic of Albania and by the central institutions of the Albanian State.

14. When the foreigner changes the residence, he notifies on this within three days, the local police commissariat where he has obtained the stay permission, as well as the police commissariat of the place where he establishes his new address.

15. The foreigners provided with a stay permission are free to enter and exit in/from the Republic of Albania, without needing a visa. The stay permission is put in the foreigner's passport in the shape of the stay visa. This service is free of charge.

16. The foreigner's stay permission is interrupted in the cases when he stays out of the territory of the Republic of Albania, beyond the time limits defined in Law for Foreigners No.8492, dated 27.05.1999, without having presented first the written request on this purpose.

The request for the extension of the stay permission is submitted before the local police commissariat where the foreigner has established his residence, or before the diplomatic or consular mission (which when they) receive such requests forward them at once to the Ministry of Public Order. For the refugees the interruption of the stay permission is done after the receipt of the written decision from the National Commissioner for Refugees.

17. The Ministry of Public Order collaborates on the problems with the foreigners, with the Ministry of Foreign Affairs, Ministry of Local Power, the General Prosecutor's Office, the State Information Service, the Ministry of Labour and Social Affairs and the Ministry of Justice. This collaboration is regulated in joint acts, issued for the application of the law.

18. The Ministry of Foreign Affairs sends every six months to the Ministry of Public Order, the list of the foreign citizens considered as *persona non grata* and of those who are rejected the request for entrance, visa or stay permission.

The Ministry of Health notifies the Ministry of Public Order, on each case on the countries touched by epidemics, as well as the preventive measures against the spreading of the epidemic in the territory of the Republic of Albania.

These lists are deposited by the Ministry of Public Order near the BPCP.

19. The diplomatic and consular missions of the Republic of Albania abroad, notify the Ministry of Foreign Affairs on all the visas issued and this last notifies the Ministry of Public Order before the time frame of the use of the visa starts.

20. All the visas issued in the Republic of Albania are of stamp shape containing security elements, as in attachment 2, enclosed to this Decision, and are stucked at the obtainer's passport page.

The Ministry of Public Order is charged with the production and the security of the stamp visa.

The diplomatic and consular missions receive the visas from the Ministry of Public Order through the Ministry of Foreign Affairs, in accordance with the financial rules in power.

21. The foreign citizens removed or expelled by the relevant Albanian authorities are not allowed to enter the Republic of Albania, before the expire of the time frame stipulated in the removal or expulsion order.

The foreign citizens who are refused the entrance in the Republic of Albania, are immediately sent back by the travel company line, through which they have come. In cases when this possibility doesn't exist or in case of asylum request, the foreign citizen may be held at the BPCP until the examination of his complaint within 48 hours. The Ministry of Public Order takes the necessary measures for their stay and residence as well as other measures for an acceptable treatment of them.

Exception from this rule may be made only on humanitarian bases as in cases of deaths, accidents or grave sicknesses of their relatives. In these cases the person interested for the visa or the stay permission has to present an official act on the concrete case.

For the foreigners who are refused at the border, the act of refusal is compiled, copy of which is handed to the foreigner.

22. The foreign citizens, who have entered the territory of the Republic of Albania, are allowed to exit presenting the travel documents by which they have entered this territory at the BPCP. In the cases when they have lost these documents, it is sufficient to present the pass permission issued by the Ministry of Public Order.

The foreigner who is wanted by the Albanian authorities because he has committed or is suspected to have committed a criminal act and asks to go to another State is forbidden to exit the Republic of Albania, until the receipt of the answer by the responsible organ.

23. The foreign citizens who come from other countries in an illegal way, are stopped by the State Police in accordance with the legal dispositions. They are gathered in the centre established for this purpose. The foreigners stay in the centre until the solution of their problem.

The Ministry of Public Order raises for the treatment of the foreigners who enter in the territory of Albania, centres for their collection and treatment.

24. In all the cases when the foreign citizens enter in the territory of the Republic of Albania and apply for stay permission, extension of the stay time, or come as clandestine, their request may be denied in the conditions and circumstances foreseen in the law.

25. The foreign citizens, who are resident in the Republic of Albania are provided with these documents:

- Card for the foreigners, according to attachment 3, enclosed to this decision, for the citizens older than 16 years who are resident in Albania for more than one year, which is issued applying the tariff equal to the triple of the passport for abroad selling price for the Albanian citizens.
- Passport for foreigners, for the persons who have been with a permanent stay permission, 5 years stay permission or the foreigners of Albanian origin with temporary stay permission and who do not have the possibility to be provided with passport or travel document by their state of origin or by another state. The foreigners with refugee status are also provided with this passport. The tariff for

the passport for the foreigners is equal to five times the passport for abroad for the Albanian citizens selling price.

- The pass permissions for the foreigners, according to attachment 4, enclosed to this decision, which is issued applying the tariff equal to the double of the passport for abroad for the Albanian citizens selling price.
- Pass permission for all the foreigners, which is issued:
 1. applying 1.5 times the passport for abroad for the Albanian citizens selling price, when it has a three months time frame;
 2. applying three times the passport for abroad for the Albanian citizens selling price, when it has a six months time frame;
 3. applying 10 times the passport for abroad for the Albanian citizens selling price, when it has a one year time frame, according to attachment 5;
 4. applying 25 times the passport for abroad for the Albanian citizens selling price, when it has a five years time frame, according to attachment 6;
 5. applying 50 times the passport for abroad for the Albanian citizens selling price, when it has a permanent time frame, according to attachment 7;

For the issuance of the duplicates for each of the above documents shall be applied a scale of 50 % higher than the price of the passports for abroad, for the citizens. When the foreigner is provided with a duplicate for the second time this tariff is equal to 2,5 times of the price of the passport for abroad, for the citizens.

AVT is applied on these tariffs, in accordance with the law.

With regards to the states with which the principle of reciprocity is applied, the Ministry of Foreign Affairs sends to the Ministry of Public Order the respective list, the type and the level of the tariffs, as well as does the necessary changes on which notifies the Ministry of Finance and the Ministry of the Public Order.

For the refugees these expenses are covered by the Office for Refugees of the Republic of Albania.

The models of these documents are established according to the attachments enclosed to this decision, are produced by the Ministry of Public Order and are subject to the financial organs control.

The documents issued to the foreigners are taken away by the authorities that have issued them when they are declared invalid, or their holders are expelled. The retract of the documents is done in the moment of their departure from the territory of the Republic of Albania.

26. The passport for the foreigners as well as the pass permission are issued when the foreigner demands them for travelling out of the Albanian territory and there are no legal obstacles to leave this territory.

27. The decisions for the removal or the expulsion of the foreign citizen are taken in accordance with articles 4, 5, 46, 47 and 52 of Law no. 88492, dated 27.05.1999 “For foreigners”, as well as with the written notification made by the relevant authorities, by the judicial and the administration organs.

The approval of the removal or expulsion order is done by the responsible authority at the Ministry of Public Order.

The foreign citizen who committs criminal acts in the territory of the Republic of Albania is proceded according to the dispositions of the Albanian legislation.

28. Before the foreigner is notified the removal or expulsion order, the police takes all the necessary measures for the manner of the execution of the expulsion, the necessary means, the ensurement of probable visas and tickets, as well as for other problems. The removal or expulsion order is suspended when the foreigner, within three days from the receipt of the notification, presents founded reasons according to which this order constitutes violation of the international agreements in which the Republic of Albania is party. In cases when the foreigner has not left within the timeframe and has presented a request for the revision of the order, the revision is done by the authority at the Ministry of Public Order within eight days since the day of the submission of the request.

The expulsion expenses are ensured by the police from the blocking of the money or other means of the foreigner, from the centre where the foreigner has contributed or has been employed, from the companies or the transporting companies or persons. In case these possibilities do not exist, the financial expenses for the expulsion of the foreigner are covered by the income that the Ministry of Public Order gathers from the tariffs of the services offered to the foreigners.

The Ministry of Public Order notifies on the foreigner’s removal measure the Ministry of Foreign Affairs, the Ministry of Labor and Social Affairs, the Ministry of Local Power, the General Prosecutor’s Office, the State Information Service, as well as the centre where the foreigner is employed.

29. The authorities of the border police and those of public order police make the registration of the foreigners, the control, the blocking of suspected documents, put of fines, as well as the accompanation to the local police commissariats.

The fine for the administrative contraventions is applied as follows:

1. for the administrative contraventions established in points 1-2, of Law no. 88492, dated 27.05.1999 “For foreigners”, the checker of BPCP applies the fines in place for an ammount of 10 000 – 20 000 leks.
2. for the administrative contraventions established in points 3, 4, 13 and 15 of Law no. 88492, dated 27.05.1999 “For foreigners”, the commander of the BPCP applies the fines in place for an ammount of 30 000 – 50 000 leks. When the work permission is not consigned this fine is applied by the employment office inspector.

3. for the administrative contraventions established in points 5-9, of Law no. 88492, dated 27.05.1999 “For foreigners”, the clerk of the State Police applies the fine in place for an amount of 60 000 – 90 000 leks.
4. for the administrative contraventions established in points 11, 12 and 14 - 16, of Law no. 88492, dated 27.05.1999 “For foreigners”, the clerk of the State Police applies the fine in place for an amount of 100 000 – 200 000 leks.
5. for the administrative contraventions established in point 10 of Law no. 88492, dated 27.05.1999 “For foreigners”, the sanitation inspector of the Ministry of Health applies the fine in place for an amount of 10 000 – 30 000 leks.

30. The hotels, motels, pensions, as well as the subjects engaged in family tourism shall keep the record of the foreign citizens that they host. The record should contain:

- precise name and surname according to the passport presented;
- sex;
- place and date of birth;
- citizenship;
- Serial no. of the passport (or identity document);
- Serial no. of the visa, place of issuance, and the time stay expiration date in the visa.

The hotels, pensions and other permises of this character, give at the local police Commissariat every day until 24.00 hrs., precise data on the number of the foreigners that they have registered.

31. The income from the services offered to the foreigners, are predestinated income (with a participation of 10 % for the State Budget and 90 % for the institution), which cover the expenses for the performance of the services to the foreigners.

This decision enters in power after the publication in the Official Paper.

PRIME MINISTER

Ilir Meta