



Australian Government
Refugee Review Tribunal

Country Advice

Albania

Albania – ALB38907 – Schengen Agreement – Albanian Citizens – Rights of Entry and Residence

16 June 2011

1. What rights do Albanian citizens have under the Schengen Agreement to enter and reside in Schengen Agreement countries?

The Schengen Agreement of 1985 and subsequent Schengen Convention of 1990 abolished controls at the borders between signatory countries. The Schengen area refers to the external borders of these countries, within which travellers can move freely without being subject to internal border checks. Such travel is limited to up to three months within a six-month period. Third country nationals are generally required to obtain a short-stay visa to enter the Schengen area. The Schengen provisions do not provide the right to residence or employment in signatory states.¹

Albania is not included in the Schengen area. However, Albanian citizens who hold biometric passports were granted visa-free travel within Schengen zone countries as of 15 December 2010.^{2 3} Multiple entries are permitted, as long as the total period of stay does not exceed three months within a six month period.⁴ Switzerland's Federal Department of Foreign Affairs, the Swedish Migration Board, the Austrian Foreign Ministry and the Consulate General of the Czech Republic in Chicago all confirm that this three month limit applies in their respective countries to Albanian citizens without a visa.^{5 6 7 8}

¹ 'Free movement within the EU – a fundamental right' 2009, European Commission Freedom, Security and Justice website, March http://ec.europa.eu/justice_home/fsj/freetravel/fsj_freetravel_intro_en.htm – Accessed 25 September 2009 – Attachment 1

² 'Tension builds beneath calm after violence in Albania' 2011, *The New York Times*, 25 January – Attachment 2

³ 'Q&A: Schengen Agreement' 2011, *BBC News*, 16 May <http://www.bbc.co.uk/news/world-europe-13194723> – Accessed 10 June 2011 – Attachment 3

⁴ EUD Delegation Tirana (undated), 'FAQ on the visa-free regime', EU European External Action Service website http://www.eeas.europa.eu/delegations/albania/documents/travel_eu/faq_visal.pdf – Accessed 14 June 2011 – Attachment 4

⁵ 'Visa for persons living in Albania' 2011, Switzerland Federal Department of Foreign Affairs website, 1 April http://www.eda.admin.ch/eda/en/home/reps/eur/valb/ref_visinf/visalb.html – Accessed 10 June 2011 – Attachment 5

⁶ 'Visa exemption for Bosnian and Albanian citizens from 15 December' 2010, Swedish Migration Board website, 23 December http://www.migrationsverket.se/info/3266_en.html – Accessed 14 June 2011 – Attachment 6

⁷ 'Do I Need a Visa?' (undated), Austrian Foreign Ministry, London Embassy website <http://www.bmeia.gv.at/en/embassy/london/practical-advice/schengen-visa-residence-permits/do-i-need-a-visa.html> – Accessed 15 June 2011 – Attachment 7

⁸ 'Abolition of visa requirement for short-term stays in the Schengen area for citizens of Albania, Bosnia and Herzegovina and the FYR of Macedonia, Serbia, Montenegro and Taiwan' 2009, Consulate General of the Czech Republic in Chicago website, 11 December http://www.mzv.cz/chicago/en/consular_information/visa/short_term_visa_requirements_stay_up_to/abolition_of_visa_requirement_for_short.html – Accessed 15 June 2011 – Attachment 8

The visa exemption does not provide Albanian citizens with the right to work or settle in any of the Schengen countries.^{9 10} In addition, entry conditions for third country nationals still apply for Albanians entering the Schengen area; at the external border of a Schengen country travellers are required to prove that they have sufficient funds to cover their stay, demonstrate that the purpose of their travel is for a genuine visit, and specify the place where they will be staying.^{11 12}

Furthermore, Article 2.2 of the Schengen Convention permits signatories to reinstate border controls for a limited period, for “public policy or national security” reasons.¹³ Denmark has recently reinstated control booths on its borders in order to counter organised crime and people trafficking.¹⁴ According to recent news reports, new European Commission proposals seek to allow the reimposition of border controls for countries faced with extraordinary flows of migrants. These changes are expected to be discussed at an EU summit on 24 June 2011.¹⁵^{16 17} In November 2010, European Union Home Affairs Commissioner, Cecilia Malmstrom, advised Albanian students at the European University of Tirana that “the EU might reconsider the visa regime if there was a sharp increase of asylum seekers in member states”.¹⁸

2. What steps do Albanian citizens need to take to avail themselves of any such rights?

Albanian citizens who wish to travel visa-free into the Schengen area must obtain a biometric passport, provide proof that they have health insurance, and demonstrate that they have sufficient funds to cover the cost of the travel and stay. According to Albania’s Ministry of Interior, more than 1.2 million citizens applied for a biometric passport in November and December 2010.¹⁹

⁹ ‘EU visa-free regime for Bosnians, Albanians begins’ 2010, *Southeast European Times*, 15 December – Attachment 9

¹⁰ Likmeta, B. 2010, ‘No Tidal Wave of Albanians Into Schengen Zone’, *Balkan Insight*, 23 December <http://www.balkaninsight.com/en/article/no-tidal-wave-of-albanians-into-the-eu> – Accessed 10 June 2011 – Attachment 10

¹¹ EUD Delegation Tirana (undated), ‘FAQ on the visa-free regime’, EU European External Action Service website http://www.eeas.europa.eu/delegations/albania/documents/travel_eu/faq_visas.pdf – Accessed 14 June 2011 – Attachment 4

¹² ‘Visa exemption for Bosnian and Albanian citizens from 15 December’ 2010, Swedish Migration Board website, 23 December http://www.migrationsverket.se/info/3266_en.html – Accessed 14 June 2011 – Attachment 6

¹³ ‘Q&A: Schengen Agreement’ 2011, *BBC News*, 16 May <http://www.bbc.co.uk/news/world-europe-13194723> – Accessed 10 June 2011 – Attachment 3

¹⁴ ‘Schengen zone: Delay for Bulgaria and Romania to join’ 2011, *BBC News*, 9 June <http://www.bbc.co.uk/news/world-europe-13709768> – Accessed 10 June 2011 – Attachment 11

¹⁵ ‘EU moves to tighten border controls in Schengen zone’ 2011, *BBC News*, 4 May <http://www.bbc.co.uk/news/world-europe-13277695> – Accessed 10 June 2011 – Attachment 12

¹⁶ Allen, N. 2011, ‘EU moves to end passport-free Schengen travel’, *The Telegraph*, 12 May <http://www.telegraph.co.uk/news/worldnews/europe/eu/8511019/EU-moves-to-end-passport-free-Schengen-travel.html> – Accessed 15 June 2011 – Attachment 13

¹⁷ Leviev-Sawyer, C. 2011, ‘Schengen ‘safeguard’’, *The Sofia Echo*, 27 May http://www.sofiaecho.com/2011/05/27/1095905_schengen-safeguard – Accessed 10 June 2011 – Attachment 14

¹⁸ Likmeta, B. 2010, ‘No Tidal Wave of Albanians Into Schengen Zone’, *Balkan Insight*, 23 December <http://www.balkaninsight.com/en/article/no-tidal-wave-of-albanians-into-the-eu> – Accessed 10 June 2011 – Attachment 10

¹⁹ Likmeta, B. 2010, ‘No Tidal Wave of Albanians Into Schengen Zone’, *Balkan Insight*, 23 December <http://www.balkaninsight.com/en/article/no-tidal-wave-of-albanians-into-the-eu> – Accessed 10 June 2011 – Attachment 10

3. Can Albanian citizens avail themselves of such rights if: (a) they do not have Albanian passports; or (b) their Albanian passports have expired?

Albanian citizens require current biometric passports in order to travel without a visa into the Schengen area. According to Switzerland's Federal Department of Foreign Affairs, the visa exemption for Albanian citizens "is only valid if...[t]he person who travels holds a biometric passport issued by Albania".²⁰ The Swedish Migration Board defines a biometric passport as one that is "equipped with a computer chip that stores personal information and a photograph of the holder".²¹

Albanian citizens holding non-biometric passports still require a visa to travel to the Schengen area.^{22 23 24 25} In addition, an Albanian residence permit does not allow the holder to travel to the Schengen area without a visa.²⁶

4. What are the Schengen Agreement countries?

There are 25 signatories to the Schengen Agreement, including 22 EU Member States: Belgium, the Czech Republic, Denmark, Estonia, Germany, Greece, Spain, France, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Austria, Poland, Portugal, Finland, Slovakia, Slovenia and Sweden; and three non-EU Member States: Norway, Iceland and Switzerland. The United Kingdom, the Irish Republic, Cyprus, Bulgaria and Romania are all EU Member States that only partially apply Schengen arrangements, and checks are still carried out at their borders. On the other hand, "Andorra, Liechtenstein and San Marino are not part of Schengen, but they no longer have checks at their borders".^{27 28 29}

²⁰ 'Visa for persons living in Albania' 2011, Switzerland Federal Department of Foreign Affairs website, 1 April http://www.eda.admin.ch/eda/en/home/reps/eur/valb/ref_visinf/visalb.html – Accessed 10 June 2011 – Attachment 5

²¹ 'Visa exemption for Bosnian and Albanian citizens from 15 December' 2010, Swedish Migration Board website, 23 December http://www.migrationsverket.se/info/3266_en.html – Accessed 14 June 2011 – Attachment 6

²² EUD Delegation Tirana (undated), 'FAQ on the visa-free regime', EU European External Action Service website http://www.eeas.europa.eu/delegations/albania/documents/travel_eu/faq_visal.pdf – Accessed 14 June 2011 – Attachment 4

²³ 'Visa for persons living in Albania' 2011, Switzerland Federal Department of Foreign Affairs website, 1 April http://www.eda.admin.ch/eda/en/home/reps/eur/valb/ref_visinf/visalb.html – Accessed 10 June 2011 – Attachment 5

²⁴ 'Do I Need a Visa?' (undated), Austrian Foreign Ministry, London Embassy website <http://www.bmeia.gv.at/en/embassy/london/practical-advice/schengen-visa-residence-permits/do-i-need-a-visa.html> – Accessed 15 June 2011 – Attachment 7

²⁵ 'Abolition of visa requirement for short-term stays in the Schengen area for citizens of Albania, Bosnia and Herzegovina and the FYR of Macedonia, Serbia, Montenegro and Taiwan' 2009, Consulate General of the Czech Republic in Chicago website, 11 December http://www.mzv.cz/chicago/en/consular_information/visa/short_term_visa_requirements_stay_up_to_abolition_of_visa_requirement_for_short.html – Accessed 15 June 2011 – Attachment 8

²⁶ EUD Delegation Tirana (undated), 'FAQ on the visa-free regime', EU European External Action Service website http://www.eeas.europa.eu/delegations/albania/documents/travel_eu/faq_visal.pdf – Accessed 14 June 2011 – Attachment 4

²⁷ 'Free movement within the EU – a fundamental right' 2009, European Commission Freedom, Security and Justice website, March http://ec.europa.eu/justice_home/fsj/freetravel/fsj_freetravel_intro_en.htm – Accessed 25 September 2009 – Attachment 1

²⁸ 'Schengen zone: Delay for Bulgaria and Romania to join' 2011, *BBC News*, 9 June <http://www.bbc.co.uk/news/world-europe-13709768> – Accessed 10 June 2011 – Attachment 11

²⁹ 'Q&A: Schengen Agreement' 2011, *BBC News*, 16 May <http://www.bbc.co.uk/news/world-europe-13194723> – Accessed 10 June 2011 – Attachment 3

BBC News recently reported that the Netherlands is attempting to delay until 2012 a decision on whether Bulgaria and Romania should fully join the Schengen area.³⁰

5. Do any of those countries afford Albanian citizens the ability to reside for a period greater than three months? If so, what steps does an Albanian citizen need to take to take advantage of this?

The Schengen visa exemption for Albanian citizens does not provide them with the right to work or reside in any of the signatory countries.³¹ Likewise, the Schengen visa required by Albanian holders of non-biometric passports does not allow residency or employment in the area. The Spain Expat website indicates that residence and employment in Schengen area countries, “regardless of their duration, are governed by separate visas and legislation”.³²

Albanian citizens wishing to reside in the Schengen area for longer than three months must obtain a permit from the country in which they are planning to reside. For example, the Swedish Migration Board states that in order for Albanian citizens to remain in Sweden for longer than three months, they must apply for a residence or visitor’s permit.³³ Persons wishing to reside in Norway for more than three months must similarly apply for a residence permit.³⁴ In addition, any foreign national who intends to reside in Austria for more than six months is required to apply for a residence permit.³⁵

Work permits or visas are also required for Albanian citizens wishing to obtain employment in Schengen countries such as Sweden³⁶ and Switzerland.³⁷ The Immihelp website states that persons seeking “gainful employment in the Schengen countries must get a residence permit in the form of a visa. A work permit will be included in the visa where needed”.³⁸

³⁰ ‘Schengen zone: Delay for Bulgaria and Romania to join’ 2011, *BBC News*, 9 June

<http://www.bbc.co.uk/news/world-europe-13709768> – Accessed 10 June 2011 – Attachment 11

³¹ ‘EU visa-free regime for Bosnians, Albanians begins’ 2010, *Southeast European Times*, 15 December – Attachment 9

³² ‘The Tourist Visa: Staying in Spain and the Schengen Area’ 2011, Spain Expat website, 18 May

http://www.spainexpat.com/spain/information/schengen_visa_spain/ – Accessed 15 June 2011 – Attachment 15

³³ ‘Visa exemption for Bosnian and Albanian citizens from 15 December’ 2010, Swedish Migration Board website, 23 December http://www.migrationsverket.se/info/3266_en.html – Accessed 14 June 2011 – Attachment 6

³⁴ ‘Schengen Visa and Residence Permit’ (undated), Norwegian Embassy in Nigeria website <http://www.emb-norway.com.ng/Embassy/Visa-information/> – Accessed 15 June 2011 – Attachment 16

³⁵ ‘Residence Permit’ (undated), Austrian Foreign Ministry, London Embassy website

<http://www.bmeia.gv.at/en/embassy/london/practical-advice/schengen-visa-residence-permits/residence-permit.html> – Accessed 15 June 2011 – Attachment 17

³⁶ ‘Visa exemption for Bosnian and Albanian citizens from 15 December’ 2010, Swedish Migration Board website, 23 December http://www.migrationsverket.se/info/3266_en.html – Accessed 14 June 2011 – Attachment 6

³⁷ ‘Visa for persons living in Albania’ 2011, Switzerland Federal Department of Foreign Affairs website, 1 April http://www.eda.admin.ch/eda/en/home/refs/eur/valb/ref_visinf/visalb.html – Accessed 10 June 2011 – Attachment 5

³⁸ ‘Schengen Visa for Employment- Resident Permit’ (undated), Immihelp website

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