



**REPUBLIC OF ALBANIA
THE ASSEMBLY**

**LAW
NO. 121/2014
“ON ASYLUM IN THE REPUBLIC OF ALBANIA”¹**

Based on articles 78 and 83, point 1 of the Constitution, upon the proposal of the Council of the Ministers,

**THE ASSEMBLY
OF THE REPUBLIC OF ALBANIA
DECIDED**

**CHAPTER I
GENERAL PROVISIONS**

Article 1

Purpose of the law

¹ *This law has been aligned in part with:*

The Council’s Directive 2001/55/EC, dated July 20, 2001, “On minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof,” CELEX No. 32001L005, Official Journal of the European Union, Series L, No. 212, dated 08/07/2001, pages 12–23.

The Council’s Directive 2003/9/EC, dated January 27, 2003, “On laying down minimum standards for the reception of asylum seekers”, CELEX No. 32003L0009, Official Journal of the European Union, Series L, No. 31, dated 02/06/2003, pages 18–25.

The Council’s Directive 2003/86/EC, dated September 22, 2003, “On the right to family reunification, CELEX No. 32003L0086, Official Journal of the European Union, Series L, No. 251, dated 10/03/2003, pages 12–18.

The Council’s Directive 2005/85/EC, dated December 1, 2005, “On determining minimum standards on procedures in Member States for granting and withdrawing refugee status”, CELEX No. 32005L0085, Official Journal of the European Union, Series L, No. 326, dated 12/13/2005, pages 13-34.

The Directive of the European Parliament and of the Councils 2011/95/EU, dated December 13, 2011 “On standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted”, CELEX No. 32011L0095, Official Journal of the European Union, Series L, No. 337, dated 12/20/2011, pages 9–26.

This law intends to provide conditions and procedures for granting and withdrawing asylum, complementary protection and temporary protection in the Republic of Albania, rights and obligations of asylum seekers, refugees and persons under temporary and complementary protection, the content of the refugee status and the complementary protection, the right to family reunion, as well as the determination of conditions for the integration of refugees and persons under complementary protection in the Republic of Albania.

Article 2

Object of the law

The object of this law is to determine:

- a) basic principles and conditions on the recognition and guaranteeing the right of foreign or stateless individuals to seek international protection;
- b) responsible authorities and their competencies in dealing with foreign or stateless individuals who seek international protection;
- c) ways of registration and documents provided to persons who have sought asylum in Albania and to those who have obtained one of the forms of international protection in the Republic of Albania;
- ç) the refugee status and the status of complementary protection;
- d) rights deriving from the international protection;
- dh) the right of administrative and judicial appeal.

Article 3

Definitions

In this law, the following terms have this meaning:

- a) "Asylum" is the form of international protection that the Republic of Albania grants to refugees.
- b) "Asylum request" is any declaration of the foreigner or of the stateless person, expressed in whatever manner and at whatever time in front of competent authorities at border crossing points, or within the territory of the Republic of Albania, who seeks international protection in accordance with international conventions and the Albanian legislation.
- c) "Asylum application" is the official request of the foreigner or of the stateless person in front of the authority responsible for the asylum and refugees, which is deemed as a request for international protection, in accordance with the UN Geneva Convention "On the Status of Refugees." Any request for international protection is deemed as an asylum application, except for cases in which the foreigner or the stateless person clearly seeks another form of protection, for which a separate application shall be submitted.
- ç) "Asylum seeker" is any foreigner or stateless person who expresses in whatever manner that he does not want to return to his country, as well as any foreigner or stateless person who has submitted an application for asylum in the Republic of Albania, on which no final decision has been taken yet.
- d) "Refugee" is the foreigner or the stateless person who, owing to a well-founded fear of persecution for reasons of race, religion, nationality, membership to a particular social group, or political opinion, is outside his country of citizenship or his former habitual country of residence and has no possibilities or desire to seek the protection of that country, or the return to that country, as a consequence of such circumstances, in accordance with the criteria set in Article 1

(A) of the Geneva Convention.

dh) “Refugee status” is the recognition of the foreigner or of the stateless person as a refugee by the authority responsible for asylum and refugees in the Republic of Albania.

e) “Unaccompanied minor” is the foreigner or the stateless person under the age of 18, who enters in the territory of the Republic of Albania unaccompanied by an adult responsible for him, whether by law or custom, or who was left unaccompanied after he has entered the territory of the Republic of Albania and for as long as he is not effectively under the care of such a person.

ë) “Temporary protection” is a special protection procedure, which provides immediate and temporary protection to displaced persons, in the event of a mass influx, who are unable to return to their country of origin, in particular if there is also the risk that the asylum system will be unable to process this influx without adverse effects for its efficient operation, in the interests of these persons;

f) “Mass influx” is the arrival in the Republic of Albania of a large number of displaced persons, who come from a specific country or geographical area, whether their arrival was spontaneous or aided through an evacuation program;

g) “Withdrawal of refugee status” is the decision taken by the authority responsible for the revocation of the refugee status.

gj) “Person eligible for complementary protection” is the foreigner or the stateless person who is not considered a refugee but in respect of whom substantial grounds have been shown to believe that if he returns to his country of origin, or in the case of a stateless person, to his country of former habitual residence, would face a real risk of suffering serious infringement and is unable, or, owing to such risk, unwilling to avail himself of the protection of that country;

h) “Complementary protection status” is the recognition of the foreigner or of the stateless person by the authority responsible for asylum and refugees in the Republic of Albania as a person eligible for complementary protection;

i) “Family reunion” is the entry and the stay in the Republic of Albania of family members of a refugee, who are not Albanian citizens, which aim to maintain the unity of the family, irrespective if the relation is created before or after the entry of the refugee in the Republic of Albania.

j) “Family members” are relatives of the asylum seeker, of the refugee or of the person under complementary protection, according to the definition given in the law on foreigners.

k) “Foreigner” is the person defined in accordance with the definition in the law on foreigners.

l) “Guardian” is the person given such competence by the Family Code of the Republic of Albania or who has been appointed as such already, by law or custom of the country where the foreigner seeking asylum comes from.

ll) “Reception centre for asylum seekers” is any place designed for the collective sheltering of the asylum seekers.

m) “Non-refoulement” is the obligation to refrain from expelling or returning the foreigner or the stateless person in any manner whatsoever towards the borders of the territories where his life or freedom are threatened because of his race, religion, nationality, membership to a particular social group, or his political opinion.

n) “State or country of origin” is the state whose citizenship the asylum seeker or the refugee holds, or, in the case of the stateless persons, the country in which the refugee or the asylum seeker has his habitual residence.

nj) “UNHCR” is the Office of the High Commissioner for Refugees of the Organization of the United Nations.

o) “Geneva Convention” is the Convention on the Status of the Refugee, dated July 28, 1951, as amended by the New York Protocol of January 31, 1967, as ratified;

p) “Responsible Minister” is the minister that supervises the structure responsible for the asylum and refugees.

Article 4

The right to asylum

The Republic of Albania guarantees the right to asylum to the foreigner or the stateless person who owing to a well-founded fear of persecution for reasons of race, religion, nationality, membership to a particular social group, or political opinion, is outside of his country of citizenship or outside his former habitual country residence and has no possibilities or desire to seek the protection of that country, as a consequence of these events, because of such fear.

Article 5

Exclusion from the right to asylum

1. The right to asylum is not guaranteed to the foreigner when there is information on:

a) the commission of a crime against peace, a war crime or a crime against humanity, the commission of a terrorist act, as per stipulations provided for in international conventions;

b) threatening of the public order and the national security of the Republic of Albania for reasons of having committed a serious non-political crime outside the territory of the Republic of Albania, prior to the entry as an asylum seeker in the territory of the Republic of Albania;

c) guilt for actions contrary to the purposes and principles of the United Nations.

2. The right to asylum is not be granted to a foreigner under the protection of or the assistance of the UN institutions, except in cases when the protection is guaranteed by the Office of the United Nations High Commissioner for Refugees (UNHCR).

3. If the protection or the assistance referred to in point 2 of this article has ceased for any reason, the foreigner obtains asylum if he fulfils conditions established in this law.

4. The asylum shall not be granted to a foreigner who has rights and obligations equal to those of citizens of the Republic of Albania, except in cases when such rights and obligations are specifically linked to the Albanian citizenship.

Article 6

Principle of Non-Refoulement

1. The Republic of Albania recognizes and observes the obligation of its authorities to refrain from the return, the refoulement, the extradition, or the removal from its territory of persons who have obtained or sought the right to asylum or other forms of protection in these cases:

a) to a country where their life or freedom is threatened because of race, religion, nationality, membership to a particular social group or political opinion;

b) to a country where there are credible reasons to believe that the asylum seeker may be under the risk of being subjected to torture or an inhuman and degrading punishment, or any other treatment provided for in the European Convention for the Protection of Human Rights and Fundamental Freedoms as interpreted by the European Court, or in the international treaties/conventions where the Republic of Albania is a party to;

c) to a country where there are credible reasons to believe that the asylum seeker may be under the risk of forced disappearance;

ç) to their country of origin, in the case where foreigners have been granted one of the forms of protection in accordance with the provisions of this law;

d) to a third country, which may return or send the person to one of the countries indicated in letters "a," "b," and "c" of this article.

2. The foreigner, whose asylum application has been refused by the authority responsible for the asylum and refugees, is not be expelled or removed outside the territory of the Republic of Albania before the exercise or the granting of legal opportunities for exercising procedural rights and guarantees provided for in this law, except in cases when this law provides otherwise.

3. In exceptional cases, the asylum seeker may be returned when:

a) there are based and logical reasons in the decision to deem him as a danger to the national security of the Republic of Albania;

b) has been convicted by a final decision for a crime that is punishable by a minimum of 7 years in prison, which constitutes a danger to the order and the security of the Republic of Albania.

Article 7

Responsible authorities

1. The responsible authority for the asylum and refugees is the responsible structure in the ministry responsible for the asylum and refugee issues.

2. The competent authority at the border for the treatment of persons seeking international protection is the responsible structure for border and migration.

3. The National Commissioner for the Asylum and Refugees is the head of the National Commission for the Asylum and refugees.

4. The National Commission for the Asylum and Refugees is the only authority competent to decide appeals against decisions of the authority responsible for the asylum and refugees.

5. The responsible authority for issuing work permits and the treatment of all labor relations for refugees and persons under protection is the responsible structure at the ministry responsible for labor issues.

Article 8

Conditions for the request and the application for asylum

1. The foreigner who seeks asylum in the Republic of Albania shall:

a) present the request to the competent police authorities at border points or inside the territory of the Republic of Albania and present the request for asylum ;

b) fill the asylum application to the responsible authority for the asylum and refugees and fill the asylum application.

2. In cases when asylum is requested in accordance with the letter “a” of point 1 of this article, the competent authorities at the border must notify about the case and send him immediately to the responsible authority for the asylum and refugees, in order to register for and fill the application for asylum in accordance with forms approved by the order of the responsible Minister.

3. The procedure and rules for sending the case from the competent border authority to the authority responsible for the asylum and refugees are determined by the order of the responsible minister.

Article 9

Safe third country

The application of the concept of safe third country takes place only when competent authorities have created the reasonable conviction that the person seeking asylum will be treated in a third country in accordance with the following principles:

(a) life and liberty would not be threatened on account of race, religion, nationality, membership to a particular social group, or political opinion;

(b) the principle of non-refoulement is respected, in accordance with the Geneva Convention and the international law;

(c) the prohibition of expulsion, if the right of freedom from torture and inhuman or degrading treatment, as well as the right not to be subjected to forced disappearance are violated, as defined by the international law.

ç) exists the possibility to seek the refugee status and, if he is a refugee, should receive protection in agreement with the Geneva Convention.

Article 10

Refusal of asylum because of coming from a safe third country

1. The asylum may be refused to the foreigner coming from a safe third country, a party to the Geneva Convention or its Protocol of 1967, if the asylum seeker cannot demonstrate a based fear of persecution for at least one of the reasons provided for in the Geneva Convention, as well as any violation of human rights or the risk of expulsion, under the meaning of provisions of this law, or even if he may return legally to this country, where his application for the refugee status will be processed in compliance with international standards.

2. The list of safe third countries is approved and updated for this purpose by the Decision of the Council of Ministers, in consultation also with the list compiled by the European Union, or in its absence, with one of the member states of the European Union.

Article 11

Detention of asylum-seekers

1. Asylum-seekers who enter illegally in the territory of the Republic of Albania may not be criminally prosecuted for illegal border crossing, provided that they appear in front of respective authorities within 10 days from the date of entry in the territory of the Republic of Albania. 2.

Asylum-seekers who appear within the deadline may be detained only for the following reasons:

- a) for the verification of their identity;
- b) when they do not have identification documents;
- c) when they have been caught with forged documents, except in the case where they have used these documents to leave the country because of fear and they have themselves declared this fact at the border or when applying for asylum;
- ç) an international arrest warrant is issued against them;
- d) for the protection of national security and public order

3. Coercive measures against an asylum seeker are taken in compliance with rules and procedures provided for in the criminal and procedural law in force. In any event the asylum seeker is guaranteed the right to contact the UNHCR.

4. In the case of detention or arrest, the asylum seeker is detained in premises separated from other persons, except when these coercive measures are taken based on letter “c,” of point 2 of this article.

5. In compliance with norms of the international law on the rights of the child, in the case of unaccompanied minor asylum seekers under the age of 18 years, they may not be placed in penitentiary institutions, except for extreme cases. In any other cases, adequate and proper measures are taken for the children.

Article 12

Submission of application for asylum

1. The asylum seeker must fulfill the application for asylum as soon as possible.
2. The asylum seeker is informed, no later than fifteen days from the date of submitting the application for asylum, about the procedure for granting the asylum, about the rights and obligations during the procedure, about the possibility to contact and to have legal aid by UNHCR representatives and representatives of other organizations for the protection of rights of refugees. as well as health care

Article 13

Cooperation with the UNHCR office

1. The ministry responsible for issues of the asylum and refugees and the authority responsible for the asylum and refugees cooperate with the UNHCR office on the asylum and refugees issues.

2. The exchange of information and the ways of cooperation between the authority responsible for the asylum and refugees and the UNHCR are determined in the cooperation agreement between the minister responsible for the asylum and refugees and the UNHCR.

Article 14

The right of stay of the asylum seeker during the application

1. The asylum seeker has the right to stay in the Republic of Albania until the end of the procedure initiated by him.

2. Family members of the asylum seeker, who have come to the Republic of Albania together with the asylum seeker, have the right to stay in compliance with point 1 of this article.

Article 15

The right to an interpreter

1. If the asylum seeker does not understand the language of the procedure, he is provided an interpreter in the language of his understanding. The authority responsible for the asylum and refugees has the obligation to make available to the asylum seeker copies of this law and of all regulations for its application, as well as copies of documents, such as residency permits, in an official language of the UN, which they may understand

2. The right to an interpreter, according to point 1 of this article, is enjoyed by those foreigners under temporary protection and complementary protection.

Article 16

The unaccompanied minor

1. A guardian must be assigned to the unaccompanied minor asylum seeker according to rules and the procedure provided for by the legislation in force. The procedure for assigning the guardian is followed with priority and assisted by the authority responsible for the asylum and refugees. Such a right is recognized also for the unaccompanied minor under temporary or complementary protection.

2. The asylum application of an unaccompanied minor must be handled immediately. For as much as it is possible, children of a family, must be kept together.

3. The authority responsible for the asylum and refugees must carry out the asylum application procedure considering the level of physical and mental maturity of the minor and, where appropriate, it must hear the minor in the presence of a psychologist.

Article 17

The best interest of the child

In applying this law, the best interest of the child should be the dominating consideration, in agreement with the UN Convention "On the rights of the child".

Article 18

General obligations of asylum seekers and refugees

1. Asylum-seekers and refugees have the obligation to observe the Constitution, the legal order and the legal framework of the Republic of Albania.
2. Asylum seekers and refugees are obligated to cooperate with competent state authorities of the Republic of Albania and to act in agreement with their measures and instructions.

Article 19

Restrictions to the political activity

Asylum seekers and refugees may not create, join or support and act in political groups or other organizations that are a threat to the order and the security of the Republic of Albania.

Article 20

Data collection

1. The authority responsible for the asylum and refugees, for purposes of this law, shall collect and process personal data of asylum seekers/refugees, in agreement with the legislation in force for personal data protection.
2. The authority responsible for the asylum and refugees shall cooperate with responsible police authorities and of the State Intelligence Service for data collection and verification.
3. Rules and procedures to obtain information and verify data and declarations from the country of origin of the asylum seeker and the refugee are adopted by a directive of the responsible minister.

CHAPTER II

COMPETENCES OF AUTHORITIES RESPONSIBLE FOR THE TREATMENT OF ASYLUM SEEKERS/REFUGEES AND PROTECTED PERSONS

Article 21

Competences of the authority responsible for the asylum and refugees

1. The only authority to grant, withdraw and exempt from the right to asylum and international protection is the structure attached to the ministry responsible for the asylum and refugees. It is responsible for handling applications, processing, examining and hearing and collecting other data necessary to complete the documentation for any asylum application.
2. The authority responsible for the asylum and refugees in asylum cooperates with the State Intelligence Service for asylum cases.

Article 22

The National Commission for the Asylum and Refugees

1. The National Commission for the Asylum and Refugees is the only competent authority taking decisions on appeals made against decisions of the responsible authority for the asylum and refugees.

2. A decision of the Council of Ministers determines the establishment, the composition, the organization and the functioning of the National Commission for the Asylum and Refugees.

Article 23

The right to communicate with the UNHCR

1. Asylum seekers, refugees and persons under protection have the right to contact the Office of the United Nations High Commissioner (UNHCR). UNHCR representatives have the right to meet any asylum seeker, refugee or person under protection, who is in the territory of the Republic of Albania.

2. The authority responsible for the asylum and refugees, at the UNHCR request, sends to it the necessary information on registered asylum seekers and, in particular, makes possible for the UNHCR, based on the request, to examine individual files of asylum seekers and refugees. The authority responsible for the asylum and refugees sends to the UNHCR the list of applications processed by this authority and the list of submitted appeals, as well as any other information required to ensure the cooperation between local authorities and the UNHCR, in agreement with the article 35 of the Geneva Convention.

3. The authority responsible for the asylum and refugees may request the UNHCR opinions and recommendations of a general nature, as well as recommendations in particular cases or during massive influxes.

4. The authority responsible for the asylum and refugees may grant to the UNHCR, if required by it, the right to participate as an observer in meetings that concern the determination of the refugee status, complementary protection or temporary protection.

CHAPTER III

DOCUMENTS AND REGISTRATION OF ASYLUM SEEKERS AND REFUGEES

Article 24

Obligation to issue documents

1. The asylum-seeker is provided with the following documents:

a) proof of submission of the asylum application;
b) temporary residency permit issued by the authorities for foreigners, according to procedures provided for by the law on foreigners, which serves as an identification document as well.

c) work permit.

2. The refugee is provided with the following documents.

- a) electronic identification document of the refugee
- b) travel document of the refugee
- c) temporary residency permit

3. The authority responsible for the asylum and refugees requests to the ministry responsible for foreign affairs to issue a visa to the refugee, after the application by him, in agreement with the legislation in force.

Article 25

Temporary taking possession of foreign documents

1. The authority responsible for the asylum and refugees may take possession of a foreign travel document or identification document of the asylum seeker and the refugee if this is required for reasons of protection of the national security and the public order.

2. The above-mentioned documents may be voided:

- a) until the revocation of the refugee status,
- b) as long as there are grounds to have them taken in possession.

3. The procedure for voiding of documents of the foreigner, as provided for by the legislation in force for the foreigner, shall apply to the extent it does not contradict the legislation in force in this area. In the case of voiding of documents, a temporary certificate is issued until the provisional taking the voidance of temporary possession of foreign documents is over.

4. The person concerned has the right to the administrative and judicial appeal based on the legislation in force.

Article 26

The certificate of submission of the asylum application

1. The certificate of submission of the asylum application of the asylum seeker serves as a proof for the start of the asylum procedures and granting of the residency permit in the Republic of Albania until the end of the procedure. This certificate is issued no later than 3 days from the date of the application submission.

2. The certificate of submission of the asylum application for the asylum seeker must be issued also to his family members.

3. The format of the certificate of submission of the application is approved by the order of the responsible minister.

Article 27

The travel document and electronic identification document of the refugee

1. The refugee, upon his request, is provided with an electronic identification document and a travel document.

2. The minor refugee is provided with a travel document at the request and in the presence of at least one of the parents, the guardian or a special proxy representative.

3. The minor refugee under the age of 16 is provided with only a travel document, valid for 5 years.

4. The refugee over the age of 16 is provided with an electronic identification document and a travel document valid for 10 years for each document.

5. The criteria and procedures for issuing the electronic identification document and the travel document for this category of persons is determined by the directive of the responsible minister.

Article 28

The return of documents

1. Documents taken in possession according to article 26 are returned to the person after the termination of the asylum procedures, or after granting the refugee status.

2. In the case of loss or damage of issued documents, the provisions of the law on foreigner apply.

Article 29

The registration

1. The authority responsible for the asylum and refugees registers in a special register the personal data and necessary elements of documents provided for in this law on asylum seekers and refugees and those who are under protection. The criteria, procedures for keeping this registers and its format are determined by an order of the responsible minister.

2. Refugees and foreigners under complementary protection are registered in the National Registry of the Civil State, according to procedures determined in the directive of the minister that covers the service of the civil state.

3. Personal data administered in these registers are processed in compliance with principles of the personal data protection.

CHAPTER IV

RIGHTS AND OBLIGATIONS OF ASYLUM-SEEKERS

Article 30

Rights of asylum seekers

1. The asylum seeker is treated in agreement with the international law and the Albanian legislation in force.

2. The asylum seeker is guaranteed:

a) the right to non-refoulement, according to article 6 of this law;

b) the right to accommodation, food, medical care and other public services for strictly personal needs, provided by the national reception centre for asylum seekers.

3. Minor asylum seekers are accommodated together with their parents or adult members of the family responsible for them.

Article 31

Obligations of asylum seekers in the Republic of Albania

1. The asylum seeker in the Republic of Albania is prohibited from engaging in activities that threaten the public order and the national security and that may impact the relations of the Republic of Albania with other countries.
2. The asylum seeker in the Republic of Albania must not act contrary to the principles and the aims deriving from the UN treaties and conventions, ratified by the Republic of Albania and the international public law.
3. The asylum seeker must provide any information, which he is deemed to be aware of, when asked by authorities responsible for asylum and refugees and that serves to taking of a well-founded and fair decision over his asylum application.
4. The asylum seeker must be at the disposal of authorities responsible for asylum and refugees during the entire procedure of processing of the asylum application

Article 32

The reception centre for asylum seekers

1. The asylum seeker, after filing the request for asylum, shall be accommodated in the reception centre for asylum seekers. Even the person whose request for asylum has been refused shall continue to be accommodated at this centre until the end of the appeal procedures or the expiry of the time limits for the appeal.
2. The organization and the functioning of the reception centre is governed by a Decision of the Council of Ministers.
3. The centre must provide minimum living conditions, including:
 - a) accommodation;
 - b) food;
 - c) health insurance;
 - ç) minimum hygiene conditions.
4. Pedagogical and educational programs, as well as free legal advice, are provided in cooperation with other subjects, private or public, local or foreign, in agreement with the rights of asylum seekers and refugees.
5. The asylum seeker may benefit also humanitarian aid.
6. Asylum seekers who have financial means or whose living is provided for, do not benefit financial aid.

Article 33

Health care services

1. Asylum seekers benefit medical care services according to the Albanian legislation in force on medical care.
2. Minor asylum seekers benefit full medical service, like Albanian minor citizens.

CHAPTER V

ASYLUM APPLICATION PROCESSING PROCEDURE

Article 34

Asylum application and processing

1. The asylum application is completed in writing. If the person does not understand the language of the procedure, he is provided an interpreter in the language of his understanding. The application, in addition to the identity, must contain also the grounds for which the asylum seeker is requesting protection in the territory of the Republic of Albania.

2. The asylum seeker is obligated to present all personal data and to fill in all respective forms made available by the authority responsible for the asylum and refugees.

3. The authority responsible for the asylum and refugees, at the moment of the completion of the asylum application, informs the asylum seeker of the procedures for being granted the refugee status and enables him the contact with a legal representative, a specialist in refugee issues, for free legal services.

4. The asylum seeker, until a final decision is taken concerning the asylum application, is allowed to stay in the territory of the Republic of Albania.

5. The person who has applied for asylum may not request a residency permit for another motive based on the law on foreigners.

6. The asylum seeker has the right to stay in the reception centre during length of the procedure for granting the refugee status. If the asylum seeker has the possibility to stay outside the reception centre and can afford minimum living conditions, the authority responsible for the asylum and refugees decides the removal of the asylum seeker within 30 days.

Article 35

Conditions and the administrative procedure of hearing and processing the application

1. The asylum seeker must be heard in relation to his asylum application by the authority responsible for the asylum and refugees, which should take into account the situation and the circumstances of the applicant. The asylum seeker is notified in writing of the date set to hear him, which may not be later than 21 days from the date of the submission of the complete application in front of the authority responsible for the asylum and refugees.

2. The asylum seeker may be questioned and re-questioned over the facts and events declared during the hearing, in case of unclear issues about those facts or from the information collected by the authority responsible for the asylum and refugees, within a period of not later than 20 days from the date of the hearing session. The date of the re-hearing is notified in writing to the concerned person.

3. The asylum seeker, at any phase of the procedure, is accompanied, advised or represented by a legal representative, a specialist in issues for refugees.

4. Female asylum seekers, if it is possible, are heard and questioned by the female staff of the authority responsible for the asylum and refugees. Unaccompanied minor asylum seekers are heard and questioned in the presence of also a psychologist or an adult who knows well the child's nature or enjoys his trust.

5. The asylum seeker must explain the facts on which the reasons and grounds for his persecution or violation of his human rights are based and provide necessary data, including information on the permanent residence, itinerary, stops in other countries and possible requests for asylum in other countries, as well as other necessary data to clarify the circumstances of the case.

6. A UNHCR representative may participate in the hearing session.

Article 36

The confidentiality during the hearing procedure

1. The hearing session of the asylum seeker is not public, and he is guaranteed confidentiality of the hearing session.

2. Employees of the authority responsible for the asylum and refugees are subjected to the obligation to maintain confidentiality and non-disclose information obtained in the course of their duty during the collection, the storage and the processing of the personal data for the treatment of refugees or protected persons, during the exercise of their duties even after the termination of their functions, unless otherwise provided for by law.

3. In order to fulfill this obligation, persons participating in the hearing session, sign a confidentiality statement, according to which they must maintain the confidentiality according to the legislation in force even after the termination of their duty.

Article 37

The conducting of procedures by the authority responsible for the asylum and refugees

1. The authority responsible for the asylum and refugees starts the administrative procedure and registers all important data provided by the asylum seeker. After the asylum application is completed with all the necessary data and forms, the authority responsible for the asylum and refugees issues a certificate to the asylum seeker, which proves his identity and the acknowledgement of the asylum application, guaranteeing his non-refoulement, in agreement with article 31 of this law.

2. The authority responsible for the asylum and refugees leads the hearing session, verifies the given facts, examines and completes the necessary documentation prior to taking a decision. The recommendation given by the UNHCR on the asylum application is included in the file as well.

3. The authority responsible for the asylum and refugees takes the decision based on respective declarations of the applicant made according to provisions of this law. The authority responsible for the asylum and refugees, when taking the respective decision, is based upon the reliability and the presumption that the asylum seeker has the right and also considers recommendations presented by the UNHCR.

4. The authority responsible for the asylum and refugees takes the decision within 30 days from the date of the hearing of the asylum seeker and it sends, without any delay, the asylum-seeker and the UNHCR a copy of the decision, but in any event, not later than 5 days from the date of taking the decision. The decision of this is taken in a special meeting with a majority of votes and with as much consensus as possible, and the decision-making procedure is subjected, to the greatest possible extent, to principles and the legislation in force for taking of decisions by collegial bodies. It shall be in writing and be

reasoned. The employees of the authority responsible for the asylum and refugees who have a minority opinion, may express their opposite opinion in writing, which must be attached to the final decision.

5. If the asylum application is accepted, the authority responsible for the asylum and refugees shall inform the asylum seeker of the conditions of the asylum and the fact that the asylum may be revoked only in agreement with article 45 of this law.

6. If the asylum application is not accepted, the authority responsible for the asylum and refugees shall inform in writing the asylum seeker of the individual and reasoned decision, which indicates the subject's right to appeal, the institution where the appeal may be filed and the time limit within which he may exercise this right.

Article 38

The restriction of the freedom of movement

1. The asylum seeker's freedom of movement may be restricted for:

- a) reasons mentioned in point 2 of article 11 of this law;
- b) prevention of spreading of infectious diseases;
- c) violation of the law and other sub-legal acts, as well as measures taken with the goal of maintaining the public order.

2. The restriction of freedom may take place in the following circumstances:

- a) the prohibition to move outside the asylum seekers reception centre;
- b) the prohibition to move outside a specific area; or
- c) the obligation to give a certain address.

3. The movement is restricted for a period of up to 3 months and for justified circumstances it may be extended up to 1 month.

4. In derogation from the provision of point 3 of this article, the restriction of the freedom of movement for reasons mentioned in point 1 of this article is valid as long as the reasons for restriction are in existence.

5. The authority responsible for the asylum and refugees decides on a restriction by a reasoned decision, which format is determined by an order of the responsible minister.

6. The decision which restricts the freedom of movement may be appealed against before the National Commission for the Asylum and Refugees within 15 days. The appeal does not suspend the execution of the decision.

Article 39

Inadmissible asylum application

1. The asylum application is inadmissible if:

a) it is proved that the asylum seeker comes from the safe third country, under the meaning of article 9 of this law,

b) the asylum application in the Republic of Albania is refused or is inadmissible, or the procedure is suspended and no new evidence have been submitted to prove the circumstances on which the previous application is based or no new evidence.

2. The asylum seeker may appeal the inadmissible asylum application decision before the National Commission for the Asylum and Refugees within 15 days.

3. The National Commission for the Asylum and Refugees takes a decision within 30 days from the date of the submission of the appeal.

Article 40

The refusal of the asylum application

1. The asylum application is refused if:
 - a) the asylum seeker fails to fulfill conditions for being recognized the right to asylum according to article 4 of this law;
 - b) there is in place any of the reasons provided for in article 5 of this law;
 - c) the application is substantially unfounded;
 - ç) the asylum-seeker also has the citizenship of a third country, from which he did not claim protection.
2. The asylum seeker may appeal before the National Commission for the Asylum and Refugees the decision refusing the asylum application as unfounded, within 15 days.
3. The National Commission for the Asylum and Refugees decides on the appeal filed based on point 2 of this article, within 30 days from its filing.

Article 41

Abusive and unfounded claims

1. The authority responsible for the asylum and refugees may deem an application to be “abusive” if it is proven, incontestably, that the claim of the asylum seeker is not true and it is made for the fraudulent purposes.
2. The authority responsible for the asylum and refugees may deem an application as “manifestly unfounded” if the claim made by the asylum seeker is irrelevant, in any way, to the criteria for granting the asylum, as provided for by the provisions of this law.
3. In cases when the authority responsible for the asylum and refugees deems that an asylum application is “abusive” or “manifestly ill-founded,” it takes an interim decision, in writing and reasoned, which is included in the file of the asylum seeker. The asylum seeker has the right to appeal this decision in agreement with the procedures provided for in this law. The accelerated procedure of processing the application is applied in these cases. If the authority responsible for the asylum and refugees fails to take a decision within 10 days during the first phase of the accelerated procedure, the application shall be accepted automatically according to the normal procedure for granting the status of the refugee. The asylum seeker within a period of 15 days has the right to appeal, starting from the date he is informed of the decision of the authority responsible for the asylum and refugees.

Article 42

Fraud during the asylum application processing procedure

Fraud during the procedure shall be considered the case when the asylum seeker acts under the following circumstances:

- a) the request is based on false identity or forged documents, except in the case where these documents are used to leave the country because of fear and this fact has been declared;

- b) the application is based on false grounds;
- c) the applicant deliberately destroys the passport, the travel ticket or any other document, which may be considered in the taking of the asylum application decision;
- ç) the applicant conceals the fact that he had previously submitted an asylum application in another country and especially has used a false identity;
- d) the application is made with the intent to postpone the forced removal order.

Article 43

The suspension and the termination of the asylum application processing procedure

1. The asylum granting procedure shall be suspended when the asylum seeker:
 - a) withdraws the asylum application;
 - b) fails to appear at the hearing session of the case, without justified reasons;
 - c) fails to inform on time the authority responsible for the asylum and refugees of the change of his address, without a justified reason, or in other ways, hinders the notification;
 - ç) fails to appear in the verification of his identity;
 - d) avoids providing information concerning the facts and circumstances or respective evidence in his possession for determining the lawfulness of the application, or
 - dh) leaves the Republic of Albania during the asylum application processing procedure.
2. The responsible authority for the asylum and refugees, after the suspension, according to letters “a” and “dh” of point 1 of this article takes a decision to terminate the asylum application processing procedure.
3. The procedure and the time limit for taking a decision to terminate the asylum application processing procedure are determined by a directive of the responsible minister.

Article 44

The participation of other persons in the asylum application processing procedure

1. The asylum granting procedure is closed to the public.
2. Persons who may participate in the asylum application processing procedure are:
 - a) the legal representative or guardian of the unaccompanied minor,
 - b) the guardian of an adult with limited abilities.
3. In derogation from point 1 of this article, if the asylum seeker does not object, a UNHCR representative or a representative of other organizations involved in the area of protection of rights of refugees may participate in the asylum application processing procedure.

Article 45

The revocation, the end or the refusal to renew the refugee status

The authority responsible for the asylum and refugees may revoke, end or refuse to renew the refugee status if:

- a) the refugee states voluntarily in whatever form that he enjoys the protection of the country of origin or any other country of his previous residence;
- b) the foreigner acquires the citizenship and enjoys the protection of the country of the acquired citizenship;
- c) the circumstances over which the refugee status is granted do not exist;
- ç) it is proven that the foreigner who has been granted asylum, has presented untrue facts and circumstances for being granted the refugee status, which have been decisive in the granting of the status;
- d) when the foreigner has also another citizenship;
- dh) when one of the circumstances of article 5 of this law is confirmed;
- e) he acts contrary to the definition of article 18 of this law;
- ë) has left the territory of the Republic of Albania after leaving a written declaration or when he leaves the Republic of Albania for more than 90 days without notifying the authority responsible for the asylum and refugees.
- f) he has been informed of the removal or the expulsion measure.

Article 46

The removal from the territory

1. The asylum-seeker, whose application for asylum has been refused or has not been accepted, or whose decision on the refugee status has been revoked, is a subject to removal from the territory according to the provisions of the law for foreigners.
2. Family members who have been granted family reunification along with the foreigner according to the provisions made in the point 1 of this article are also subject to removal.

Article 47

The right to appeal

1. All decisions on granting, revoking, terminating and removal of the refugee status, as well as any other decision of the authority responsible for the asylum and refugees may be appealed in front of the National Commission for the Asylum and Refugees within the time limits and according to procedures provided for in the Code of Administrative Procedures.
2. The decision of the National Commission for the Asylum and Refugees may be appealed at the competent court for administrative issues in agreement with the legislation in force.

CHAPTER IV

RIGHTS OF REFUGEES

Article 48

Rights of refugees

1. The refugee in the Republic of Albania enjoys the legal status in agreement with the Constitution and the Albanian legislation, the Section of the Final Act of the Plenipotentiaries Conference, the UN Convention of 1951 "On the status of refugees" and

other international agreements to which Albania is a party, as well as all the rights recognized to foreigners by the Albanian legislation.

2. The refugee is provided with a permanent residence permit and a special work permit.

3. The refugee is provided with an electronic identification document and a travel document. This document, as long as it is valid, may be used to travel to all countries, except for the country of origin, and to return to the Republic of Albania, except in cases when strong reasons of the national security and the public order demand otherwise.

Article 49

The right to education

1. The refugee in the Republic of Albania has the right to education in public institutions, in the same way as the Albanian citizen.

2. Public education institutions lower than the undergraduate level are obligated to enroll the refugee, upon the submission by the applicant of respective documents, except when provided for otherwise.

3. The minister responsible for issues of education determines the criteria of the evaluation of the education level of the refugee. The evaluation is made by the local education authority, which covers the institution where the refugees intends to be enrolled.

4. The refugee has the right to compete for enrolment to high education studies, according to the criteria determined on high education studies.

5. The authority responsible for the asylum and refugees may cover expenses deriving from the legislation on high education, for the first cycle of high education studies of the refugee. The coverage of expenses covers only the time period provided for receiving the respective diploma.

6. The amount of expenses and the criteria for providing this assistance are determined by an order of the responsible minister, according to the legislation in force.

Article 50

Learning the Albanian language

1. The authority responsible for the asylum and refugees, in cooperation with respective education institutions, organizes Albanian language courses, social education courses and qualification courses for refugees.

2. The criteria and the procedure of cooperation is determined by a joint instruction of the responsible minister and the minister responsible for education issues.

Article 51

The right to employment

The refugee has the right to be provided with a special work permit on special cases from the moment he is granted the status, and he is enjoys to the same legal opportunities in the labor market as the Albanian citizen.

Article 52

The provision with a work permit

1. The authority responsible for issues of migration in the ministry covering employment issues provides the refugee with a work permit, at his request, sent through the authority responsible for the asylum and refugees.

2. The criteria, procedures and the documentation for the provision, the renewal or the cancellation of the work permit of the refugee are determined by decision of the Council of Ministers.

Article 53

Characteristics of the work permit and the registration with the employment office

1. The special work permit has, among others, these characteristics:

a) it is issued for a 1 year period and is renewed at the end of this time period, at the request of the concerned person.

b) it is valid in the entire territory of the Republic of Albania;

c) it is required and is valid even in the case of self-employment.

2. The work permit of the refugee is issued free of charge.

3. The refugee is registered with the respective employment office, in whose territory the employer, to whom he will be employed, exercises its economic activity..

Article 54

The right to social treatment

1. The refugee has the right to social treatment in the same way as the Albanian citizen, in agreement with the respective legislation of the respective institutions.

2. Under the meaning of this law, the social treatment means:

a) the social insurance;

b) the economic aid;

c) the health insurance.

Article 55

The social and health insurance

The employed and insured refugee enjoys the right to benefit mandatory social and health insurance, in agreement with the legislation in force on social and health insurance in the Republic of Albania.

Article 56

The economic aid

1. The refugee, after being granted the status, benefits economic aid according to the legislation on social aid and services.

2. This aid is provided also to the family of the refugee who is completely lacking or living means or has them in insufficiency.

3. The refugee may not benefit economic aid as long as he is treated in the reception centre for asylum seekers or in those of the temporary accommodation.

The Minister of Interior and the minister covering social issues, through a joint direction, provide for cases of benefiting the economic aid, according to the level of income and the living means. The exemption is done only in special cases, determined by a joint directive of the responsible minister and the minister covering social issues when the level of income and living means are extremely minimal.

Article 57

The distribution of economic aid

1. The authority responsible for the asylum and refugees forwards the necessary documentation to the authorities competent for the distribution of economic aid.

2. The economic aid for refugees is given through the local government unit of the place of the residence of the refugee, based on the legislation on social aid and services.

3. The economic aid, the criteria and procedures for granting the economic aid are approved by the Central Commission to the State Social Service, on the proposal of the authority for the asylum and refugees.

Article 58

Benefiting social aid and care

1. The refugee has the right to social aid and care, in the same way as the Albanian citizens. The respective documentation is prepared for this purpose by the authority responsible for the asylum and refugees.

2. The criteria, procedures to benefit social aid and care and the list of the respective documentation are determined by a directive of the responsible minister and the minister responsible for issues of employment and social affairs.

Article 59

The accommodation in social care institutions

1. The refugee who meets the criteria of the legislation in the area of social care may be accommodated in public institutions of social care. The documentation for admission to these institutions is approved by the Central Commission to the State Social Service, on the proposal of the authority responsible for the asylum and refugees, based on the data kept in special registers.

2. The responsible minister may conclude contracts with non-public institutions of social care for the treatment of refugees, in agreement with the legislation in force.

Article 60

The right to housing

The refugee in the Republic of Albania has the right to enjoy legal opportunities to be provided with housing, as the Albanian citizen.

Article 61

The accommodation of refugees in the asylum seekers reception centre

In exceptional cases, the refugee, in the absence of his own opportunities for accommodation, has the right to stay in the asylum seekers reception centre or in those of temporary accommodation.

Article 62

The accommodation aid through the partial payment of the rent

1. The authority responsible for the asylum and refugees may cover up to 50% of the amount of the rent for accommodation for a 6 month period when the refugee is not able to find accommodation on his own means.

2. At the request of the refugee, the period of such a benefit may be extended also for another 6 months, when the above-mentioned conditions continue.

3. The criteria for granting this aid, the amount of the benefit and other procedural requirements are determined by a decision of the Council of Ministers.

CHAPTER VII

FAMILY REUNIFICATION OF THE REFUGEE

Article 63

The application and the review of the request for family reunification

1. The request for family reunification is submitted to the authority responsible for the asylum and refugees by the refugee and persons under protection.

2. The refugee submits the application for family reunification to the authority responsible for the asylum and refugees by filling the special application form. If necessary, he is provided an interpreter to fill the application.

3. In the case of the submission of an application for family reunification, the applicant must meet the following conditions:

a) provide accommodation in normal living conditions, according to the standards of health and security;

b) guarantee health insurance for himself and his family;

c) guarantee stable sources of financial income in order to provide for himself and his family without approaching the social insurance scheme or becoming dependent of the state budget.

4. The application form must be supported by a notarized copy of travel documents of family members and documented proof of the family ties of the applicant with the person or persons requested for family reunification. This form contains personal data of the person requested for

family reunification and data on the family ties with the applicant. If possible, in order to receive testimony if a family relationships exists, the responsible institution may carry out interviews or other necessary investigations.

5. If the refugee cannot submit officially documented evidence of the family relationship, the responsible authority for the asylum and refugees takes into consideration other evidence or indications, which are evaluated in agreement with the internal legislation with regard to the existence of this relationship. The decision to refuse the request cannot be based solely upon the fact of the lack of documented evidence.

6. The review of the family reunification application starts within 10 days from the date of depositing of the application.

7. The authority responsible for the asylum and refugees issues a reasoned decision upon the completion of the procedure.

8. The application form and the standard form of the decision are approved by an order of the responsible minister responsible.

9. The decision on the family reunification application by the responsible authority for the asylum and refugees is taken within 30 days from the date of depositing of the application.

10. In the case when the family reunification application concerns an unaccompanied minor, the decision is taken within 20 days from the day of depositing of the application.

11. The authority responsible for the asylum and refugees notifies of the decision, in writing, the applicant within 5 days after it has been taken.

12. During the review of the application, the decision-taking institution must take into consideration the highest interest of the child, in agreement with article 17 of this law.

Article 64

The right of the refugee to family reunification and the application procedure

1. Family members of the refugee and those under complementary protection in the Republic of Albania enjoy the right to family reunification. Even persons under temporary protection may enjoy this right in exceptional cases.

2. The minor and unaccompanied refugee has the right to request family reunification with the parents, sisters, brothers, other family members, who legally live with him, or who are minors and unmarried. If these family members of the first degree, in direct line may not be found, the unaccompanied minor has the right to request family reunification with the legal guardian or any other relative not in a direct line.

3. In the case of a polygamous marriage, when one of the spouses of the refugee is living with him in the Republic of Albania, it may not be authorized the entry, the stay and the granting of family reunification to the other spouse or to the children of this spouse, without prejudice to provisions of the Convention "On the rights of the child" of 1989.

4. In the case of a polygamous marriage, when the spouses live outside the territory of the Republic of Albania, the applicant has the right to request family reunification with one of the spouses and the children of this spouse, according to the provisions of point 1 of this article.

5. The refugee has the right to apply for family reunification only after the final decision is taken.

6. During the review of the application for family reunification of the partner, co-habitant of the applicant, the proof of family relationship will be considered to be factors such as a common child, a shared residence, the registration of the partnership and any other reliable evidence.

7. The authority responsible for the asylum and refugees may conduct interviews with the applicant and his family members, as well as record all the data obtained during the review of the application.

8. During the family reunification application procedure the applicant may be assisted, advised or represented by a lawyer.

Article 65

Sanctions and the right of appeal

1. The authority responsible for the asylum and refugees may refuse the family reunification application, to revoke or refuse the renewal of the residency permit of the family if one of the cases is verified:

- a) for reasons of a threat to the public security, the national security and the public health;
- b) when conditions determined by this law are not fulfilled;
- c) when the

the applicant for family reunification or his family members in the host country, during the stay in the country of origin have not been living in marital or family relationship;

- ç) when it is proven the submission of untrue data, forged documents or fraud has been used.
- d) when it is proven that the marriage or the adoption are made for the sole purpose of making possible the entry and stay of the concerned person in the Republic of Albania.

2. The decision refusing the application, the revocation of the family reunification or the refusal to renew the residency permit of the family must be reasoned.

3. The authority responsible for the asylum can carry out inspections for the verification of cases provided for under letters “a”, “b”, “c” and “ç” of point 1 of this article.

3. The decision refusing the application, the revocation or the refusal to renew the permit may be appealed in front of the National Commission for the Asylum and Refugees within 5 days from the date of written notification of the decision.

4. The decision of the National Commission for the Asylum and Refugees may be appealed at the competent court to settle administrative disputes, according to the legislation in force.

Article 66

Rights of family members of the refugee to family reunification

Family members of the refugee who have been granted a family reunification decision have the same rights as the applicant for:

- a) education in public education institutions;
- b) employment and self-employment;
- c) professional advice and training.

Article 67

The entry and stay of family members

1. The authority responsible for the asylum and refugees notifies in writing the ministry responsible for issues of foreign affairs of the decision to accept the request for the family reunification.

2. Persons benefiting from the decision for family reunification are provided with an entry visa at the border, if this is required. They are provided with a residency permit according to the rules and procedures which apply for the issue of the residency permit to the refugee.

CHAPTER VIII

TEMPORARY PROTECTION

Article 68

The temporary protection

1. The temporary protection is granted to foreigners aliens who enter massively in the Republic of Albania from a country where, because of a war or a situation of general violence, the violation of human rights, when the state from which they have come, cannot guarantee their protection.

2. The temporary protection is granted when:

a) the person has his temporary/permanent residence in the state from which he comes and the person has arrived in the Republic of Albania for the reasons provided for in point 1 of this article;

b) the person, who is staying in the Republic of Albania even though his residency time period has ended, cannot be returned to the state of his former residence or domicile because of the reasons provided for in point 1 of this article

3. The foreigner who enjoys temporary protection may submit the asylum application at any time.

4. If the asylum application has been submitted during the temporary protection period, the review of this application must start only after termination of the temporary protection period.

Article 69

The competence for granting and the duration of the temporary protection

1. The authority responsible for the asylum and refugees grants the temporary protection for a period of one year.

2. The temporary protection, if there are reasons, may be extended automatically for a period of 6 months, but not more than 3 years.

3. The asylum application processing procedure shall be applied, to the greatest possible extent, even to the temporary protection request processing procedure unless otherwise indicated by the circumstances of the massive influx.

Article 70

The refusal of the temporary protection

The temporary protection is not be granted to a foreigner if:

- a) situations provided for in the article 68 of this law do not exist;
- b) reasons provided for in the article 5 and 19 of this law do exist;
- c) he has committed a crime in the Republic of Albania, for which punishment by 5 years in prison is provided for and it has not lapsed;
- ç) he has the status of the refugee or he is under complementary protection;
- d) he has Albanian citizenship or a residence permit according to the law on foreigners.

Article 71

The termination of the temporary protection

1. The temporary protection ends:
 - a) upon the expiry of the defined time period;
 - b) when the reasons for the temporary protection no longer exist;
 - c) when the foreigner leaves the Republic of Albania;
 - ç) if the foreigner has been granted another type of protection, according to a certain law or an international agreement;
 - d) if the foreigner enjoys international protection or has a regulated stay in the Republic of Albania;
 - dh) if the foreigner is subject to an expulsion measure.
2. In the case of the termination of the temporary protection, according to point 1 of this article, except for letter “c”, the foreigner under temporary protection is recognized the right of voluntary repatriation, in agreement with the legislation in force.
3. Letter “dh” of point 1 of this article does not apply to persons who, because of the aggravated health situation or for humanitarian reasons cannot be subjected to the expulsion measure, for as long as this situation exists.
4. During the execution of the expulsion measure, responsible authorities must respect the rights, the freedoms and the dignity of the foreigner, whose temporary protection has terminated.

Article 72

Rights and obligations of foreigners under temporary protection

1. The foreigner who has been granted temporary protection has the right:
 - a) to residence;
 - b) to be guaranteed fundamental living conditions and accommodation;
 - c) to medical care;
 - ç) to elementary and secondary education.
 - d) to legal advice;
 - dh) to freedom of religion,
 - e) to employment.
2. Obligations provided for in article 18 of this law apply also to the foreigners who have been granted temporary protection.

Article 73

The right to family reunification

1. In exceptional cases, in addition to the rights provided in article 72 of this law, a foreigner under temporary protection enjoys the right to request the family reunification, if this right may not be realized in any other country, except for the territory of the Republic of Albania. Article 64 of this law shall apply for the submission of the application, to the extent this article is applicable.

2. The right to the family reunification is recognized also to the minor who has not yet created his own family and to the spouse of the foreigner who has been granted temporary protection.

3. The temporary protection is extended also to other family members.

Article 74

The accommodation of foreigners under temporary protection

The foreigners who has been granted temporary protection is provided with accommodation, in agreement with the legislation in force.

Article 75

The residency permit and the certificate for the foreigner under temporary protection

The foreigner under temporary protection is issued a certificate and the temporary residency permit, according to conditions and criteria determined for the asylum seekers, for as much as it is adaptable

Article 76

Reference provision

Provisions referring to refugees shall apply to the extent they are adapted to foreigners under temporary protection.

Article 77

The restriction of rights

The foreigner who applies for asylum during the temporary protection, may not use the rights of asylum seekers for the duration of the temporary protection.

CHAPTER IX

SUPPLEMENTARY PROTECTION

Article 78

The serious threat

The serious threat, for the purpose of granting the status of complementary protection, means:

- a) the death penalty or execution; or
- b) torture or inhuman or degrading treatment or punishment, as well as forced disappearance of the applicant in the country of origin; or
- c) serious and individual threat against the life of a person because of undifferentiated violence in situations of international or domestic armed conflict.

Article 79

The cancellation of the status of complementary protection

1. The foreigner or the stateless person does no longer enjoy the status of complementary protection when circumstances for which this status is given no longer exist or have changed to such an extent that the protection is no longer necessary.

2. Point 1 does not apply to the person with the status of complementary protection who testifies that he cannot enjoy protection by his state or the state of his ordinary residence for stateless persons, because of persistence of reasoned imposed from the previous threat.

Article 80

The exemption

1. The foreigner or the stateless person is exempted from the granting of the status of the complementary protection if one the following circumstances exists:

- (a) he has committed a crime against peace, a war crime or a crime against humanity, determined according to the international law instruments;
- (b) he has committed a serious crime;
- (c) he is guilty of acts that are contrary to the goals and the principles of the United Nations, according to the determinations of articles 1 and 2 of the Charter of the United Nations.
- ç) he threatens the public order and security of the Republic of Albania.

Article 81

Granting the status of complementary protection

1. The status of complementary protection is granted to the foreigner or the stateless person when circumstances determined in article 78 of this law exist..

2. The procedure, and time limits for granting the status of complementary protection and the right of appeal are realized according to provisions done in this law on granting the refugee status, where applicable.

Article 82

The revocation, the termination or the refusal to renew the status of complementary protection

1. The status of complementary protection of the foreigner or the stateless person is revoked, terminated or not renewed when:

- a) circumstances of article 80 of this law emerge;
- b) untrue facts are presented or facts are hidden, as well as forged documents are used and they have been decisive for granting the status of complementary protection;

2. The authority responsible for the asylum and refugees reviews individually the facts and the circumstances determined in point 1 of this article.

Article 83

Rights and obligations of aliens under complementary protection

1. The foreigner who has been granted the status of complementary protection has the right to:

- a) to be guaranteed fundamental living conditions, of residency and accommodation,
- b) social and medical care;
- c) elementary and secondary education;
- ç) to legal advice;
- d) to freedom of religion,
- dh) to family reunification;
- e) to be provided with a residency permit;
- ë) to employment;

2. Obligations provided for in article 18 of this law apply also to foreigners who have been granted complementary protection.

Article 84

The travel document and the electronic identification document for the foreigner under complementary protection

1. The foreigner under complementary protection, upon his request, is issued an electronic identification document and a travel document, that enable him to travel outside the territory of the Republic of Albania, except in cases when the national security or the public order is threatened.

2. The criteria and procedures for equipping with an electronic identification document and a travel document for this category of persons are determined in a directive of the responsible minister.

3. The form of the above-mentioned documents is determined by a decision of the Council of Ministers.

CHAPTER X
TRANSITORY AND FINAL PROVISIONS

Article 85

Transitory provisions

Work permits of refugees and exemptions from the obligation to be provided with a work permit, in implementing provisions of the legislation in force, before the entry into force of this law, are valid until expiry date of their duration, unless they are cancelled by the responsible state authorities or become invalid in agreement with provisions of this law.

Article 86

Sub-legal acts

1. The Council of Ministers is charged to issue sub-legal acts within 6 months from the entry into force of this law, in implementing article 10, point 2, 22, point 2, 32, point 2, 52, point 2, 62, point 3 and 84, point 3.

2. The minister responsible for the asylum and refugees is charged to issue sub-legal acts within 6 months from the entry into force of this law in implementing article 8, points 2 and 3, 20, point 3, 26, point 3, 27, point 5, 29, points 1 and 2, 38, point 5, 43, point 3, 63, point 7 and 84, point 2.

3. The minister responsible for the education issues is charged to issue sub-legal acts within 6 months from the entry into force of this law in implementing article 49, points 3 and 6 and article 50, point 2.

4. The minister responsible for the issues of labor and social wellbeing and the minister responsible for the asylum and refugees are charged to issue sub-legal acts within 6 months from the entry into force of this law in implementing article 56, points 3 and 6 and article 58, point 2.

Article 879

Repeals

The Law no. 8432, dated 12/14/1998 “On the asylum in the Republic of Albania, as amended, and the Law no. 9098, dated 07/03/2003 “On the integration and the family reunification of persons who have been granted asylum in the Republic of Albania,” as well as any other provision in conflict with this law are repealed.

Article 88

The entry into force

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

CHAIRMAN

Irir META

Approved on 09/18/2014