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Analysis of legal framework on social and economic rights of vulnerable foreigners in Albania



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INTRODUCTION

Foreign nationals' integration into society is a crucial aspect of building a cohesive, resilient, and dynamic community. As globalization continues to intertwine cultures and economies, the ability of societies to effectively integrate individuals from diverse backgrounds has become increasingly significant. Integration is not merely about accommodating newcomers; it is about harnessing their skills, experiences, and perspectives to enrich the social, cultural, and economic fabric of the host country.

A successful integration process fosters social cohesion, reduces the potential for conflict, and enhances mutual understanding among diverse groups. It helps foreign nationals contribute meaningfully to the workforce, participate in civic life, and engage with local communities. This not only benefits the individuals involved but also strengthens the broader society by promoting innovation, cultural exchange, and economic growth.

Ultimately, the integration of foreign nationals is essential for creating inclusive societies, where everyone has the opportunity to thrive and contribute, ensuring that diversity becomes a source of strength rather than division.

Effective integration involves multiple dimensions, including economic participation, social inclusion, and cultural exchange. Economically, integrating foreign nationals allows societies to tap into a broader talent pool, addressing skills shortages and fostering entrepreneurial initiatives. Foreign nationals often bring unique expertise and perspectives that can drive innovation and contribute to economic dynamism. For businesses, this can mean increased competitiveness and access to new markets, while for the broader economy, it can lead to higher productivity and growth.

Social inclusion is equally important, as it ensures that foreign nationals have access to essential services such as education, healthcare, and housing. By promoting access to these services, societies can help individuals overcome barriers that might otherwise impede their participation and success.

This, in turn, can enhance social stability and reduce inequalities, creating a more equitable environment for everyone.

Cultural exchange is another vital component of integration. When foreign nationals engage with local traditions and share their own cultural practices, it fosters mutual understanding and respect. This cultural exchange can enrich the host society, broadening perspectives and promoting a more inclusive worldview. Festivals, culinary diversity, and artistic expressions are just a few examples of how this cultural blending can enhance community life.

Moreover, successful integration requires deliberate policies and practices that address both the needs of foreign nationals and the concerns of the host population. Language programs, community support initiatives, and anti-discrimination measures are essential in creating an environment where integration can flourish. It is also important for both local and national governments to engage with communities to ensure that integration strategies are responsive and effective.

Conclusively, the integration of foreign nationals is not just a matter of policy but a critical element of a thriving, modern society. By fostering an environment where diverse individuals can contribute and feel included, societies can leverage the benefits of diversity, drive economic and social progress, and build a more harmonious future for all.

While critical aspects of the integration process have been emphasized, important attention has to be paid to the concrete mechanism facilitating and/or implementing this process.

In this context, this report aims at providing a detailed explanation of the institutional framework, legislative requirement, as well as a comparative analysis with EU requirements concerning several important aspects of foreign citizens' integration in the Albanian society.

I. National Action Plan

The National Action Plan on Immigration¹ remains one of the most important documents in stating, analysing, and reviewing the key institutions engaged in regulating and improving conditions for foreign residents in Albania. These are some of the main institutions and their competences:

Ministry of the Interior²

- Reassessing Albanian legislation to identify discrepancies with EU and international law regarding its purposes, procedural guarantees, protections of immigrants' rights, and use of international terminology on immigration.
- Assessing the implementation of ratified conventions and their effect on immigrants' rights to identify the most effective implementation mechanisms.
- Periodically reassessing the effects of legal acts (ex. the law on foreigners, the law on employment-seeking immigration, the law on asylum-seeking etc.) on the well-governance of immigration, to identify the need for legislative changes.
- Assessing institutional capacity to effectively govern immigration.

¹ The National Strategy on Migration and Action Plan 2019 – 2022 [chrome-extension://efaidnbmnnnibpcajpcgclefindmkaj/https://albania.iom.int/sites/g/files/tmzbd1401/files/documents/THE%20NATIONAL%20STRATEGY.pdf](https://albania.iom.int/sites/g/files/tmzbd1401/files/documents/THE%20NATIONAL%20STRATEGY.pdf)

² Idem.

Border and Immigration Department / Ministry of the Interior³

- Managing immigrant data in a shared system;
- Guaranteeing adequate conditions for immigrants at the border, providing immigrants with information on their legal status;
- Notifying denied applicants of the reasons for denial and the appeal process;
- Drafting informational material for long-term residence applicants, that clearly lays out expectations and procedures (particularly the mandatory period of uninterrupted stay and language requirements).

Ministry on Europe and Foreign Affairs⁴

- Regularly monitoring the procedures for verifying foreigners' purpose of entry and stay at each phase of the process (visa application, consulate interview, police questioning at the border);
- Utilizing databases on E-Visa and E-Permit modules in FER and TIMS by training consulate and border staff, in order to verify legal residence;
- Creating databases of high and low risk visa applicants and differentiating procedures based on their immigration records. Developing standards for supplementary documents and additional detailed questions during personal interviews for high-risk applicants;
- Drafting standard guidelines for consulate interviews with immigrants, to identify incidents of exploitation or discrimination;

Ministry of Economy and Finance⁵

- Reassessing and institutionalizing Immigration Desks under the National Employment Service;
- Assessing the need to regulate labour relations, including for individually employed foreigners in Albania. In particular, assessing Labour Code protections – including work contract requirements for foreign workers, timely salary payment guarantees and safety standard compliance – for all immigrants employed in Albania;
- Taking measures to ensure full compensation of immigrant workers, regardless of legal status; Determining a procedure to implement these measures for illegal workers;
- Developing and implementing measures to promote immigrants' access to the Albanian labour market;
- Presenting a procedure to swiftly assess work permit applications from family reunification residence permit holders;

³ The National Strategy on Migration and Action Plan 2019 – 2022 chrome-extension://efaidnbmninnibpcjpcgclcfndmkaj/https://albania.iom.int/sites/g/files/tmzbd11401/files/documents/THE%20NATIONAL%20STRATEGY.pdf

⁴ Idem.

⁵ The National Strategy on Migration and Action Plan 2019 – 2022 chrome-extension://efaidnbmninnibpcjpcgclcfndmkaj/https://albania.iom.int/sites/g/files/tmzbd11401/files/documents/THE%20NATIONAL%20STRATEGY.pdf

Ministry of Justice⁶

- Providing free legal assistance and information on the rights of illegal immigrants;

Ministry of Health and Social Protection⁷

- Identifying and removing institutional barriers to accessing social services for illegal immigrants;
- Training medical staff to improve care for foreigners and immigrant workers through better understanding of medical and social risk factors and the impact of culture on health and disease;
- Drafting programs to identify the needs of vulnerable categories of foreigners and monitor the demand for specific services;

National Institute of Statistics⁸

- Identifying gaps in administrative data collection on immigration and drafting a new standard data collection model;
- Creating methodology to collect consistent and up-to-date statistics on immigration and immigrants in sectors such as education, employment, healthcare etc.
- Performing analyses on the effects of immigration fluxes;
- Increasing the Health Center (QSH) capacity to study immigration for the purpose of employment;

Albanian School of Public Administration⁹

- Increasing capacity to collect administrative data and study immigration through training, research visitations etc.

General Directorate of the National Employment Service¹⁰

- Distributing informational flyers on immigrant workers' rights and the contact information for institutions/agencies concerned with protecting them from violations, alongside work and residence permits;

National Inspectorate of Labour and Social Services¹¹

- Reassessing the activity of the Commissioner, presenting a procedure for monitoring respect for the anti-discrimination principle;

⁶ Idem.

⁷ The National Strategy on Migration and Action Plan 2019 – 2022 chrome-extension://efaidnbmnnnibpcajpcgclefindmkaj/https://albania.iom.int/sites/g/files/tmzbd1401/files/documents/THE%20NATIONAL%20STRATEGY.pdf

⁸ Idem.

⁹ The National Strategy on Migration and Action Plan 2019 – 2022 chrome-extension://efaidnbmnnnibpcajpcgclefindmkaj/https://albania.iom.int/sites/g/files/tmzbd1401/files/documents/THE%20NATIONAL%20STRATEGY.pdf

¹⁰ Idem.

¹¹ Idem.

Institute of Social Services¹²

- Identifying categories of foreigners who do not qualify for social services;
- Informing foreigners about existing opportunities to access social services;
- Changing the law to guarantee social services for minor/underage immigrants of all categories;

Agency for Integrated Public Service¹³

- Increasing immigrants' access to public services through providing information in their respective foreign languages (on websites, flyers etc.);

II. Legal Comparative analysis with EU Legislation concerning Law No 79/2021 and the labour market regulations

While attempting to conduct a thorough and deep comparative analysis between Albanian national - and EU-legislation, it is important to emphasize the significant difference of these norms' characters. While looking at our national legislation, one can notice a variety of specified, detailed characteristics of several important aspects this research is aiming at addressing. At the same time, the EU legal basis is seen in a much more macro level, concentrating on principles, general suggestions and conditions. In this context, it is essential to note that the comparison, in this case, must be made concerning these same principles and conditions, but in a more *crystallized* way, specified in Law No. 79/2021, which is the main legal basis for regulating entrance, residence, employment and exit of foreign individuals in Albania.

The third section of the law deals with the different types of visas that are issued by the Albanian authorities, the most important of which, in the context of this research would be *type C and type D visas, issued by the Albanian consular/diplomatic authorities abroad.*

Article 20 states "*type-C visas*" allow their holders to enter and reside Albania for up to 90 days. In order to obtain this document, the applicant would need to prove the motivation for travel, including family, business and civil service, civil society engagements, qualification, or educational reasons. In the case of previous obtains of this type of visa, the applicant would

¹² Idem.

¹³ Idem.

also have the burden of proving integrity and trustworthiness, as well as a stable economic condition which would allow for these types of travels and respecting the time limits set in the document.¹⁴

Article 21¹⁵ introduces “type-D visas”, as a document which would allow its holders to reside for more than 90 days (in a maximum period of 180 days after the document is issued), which would then be an instrument for a residence permit application.

Table 1: Visa Applications

The number of Visa applications has increased significantly from 2018 to 2023. In 2018, 17.36% of applications were rejected. In 2019, 13.98% of applications were rejected.

The data on rejected Visa applications after 2019 is not currently available to AHC.

Time Period	2018 ¹⁶	2019 ¹⁷	2020	2021	2022	2023
Total Applications	3019	3771	-	-	-	-
Granted	2495	3244	-	-	-	-
Rejected	524	527	-	-	-	-
Visas issued at the border by request of the Ministry for Europe and Foreign Affairs	142	101	-	-	-	-
Visas issued to sailors at the transit border	103	187	-	-	-	-

Note: The countries with the highest risk of refusal based on the legal acts of Law 108/2013 “For Foreigners” are Bangladesh, Sri Lanka, Ghana, Cameroon, Pakistan, Syria, Egypt, and Yemen.¹⁸

¹⁴ Article 20, law no. 79/ 2021 “On aliens”. https://mb.gov.al/wp-content/uploads/2022/03/Ligj-p%C3%ABr-t%C3%AB-Huajt-%E2%80%93-nr.-79.2021_English.pdf

¹⁵ Article 21, law no. 79/ 2021 “On aliens”. https://mb.gov.al/wp-content/uploads/2022/03/Ligj-p%C3%ABr-t%C3%AB-Huajt-%E2%80%93-nr.-79.2021_English.pdf

¹⁶ Monitoring Report on the Execution of the National Strategy on Migration 2019-2022, Ministry of the Interior/ Directorate of Anti-trafficking and Immigration / Technical Secretariat, Tirana 2022 https://akpa.gov.al/wp-content/uploads/2021/05/Qershori-2019-Qershori-2020_Raport-vjetor-i-Strategjise-Kombetare-per-Migracionin-2019-2022.pdf

¹⁷ Idem.

¹⁸ Monitoring Report on the Execution of the National Strategy on Migration 2019-2022, Ministry of the Interior/ Directorate of Anti-trafficking and Immigration / Technical Secretariat, Tirana 2022 https://akpa.gov.al/wp-content/uploads/2021/05/Qershori-2019-Qershori-2020_Raport-vjetor-i-Strategjise-Kombetare-per-Migracionin-2019-2022.pdf

Article 32¹⁹ states that the responsible border and migration authority can issue five types of residence permits:

- A) *“Type A” permit- allows its holder to reside in the territory for a fixed amount of time*
- B) *“Type B” permit- renewable, allows its holder to reside and exit the territory in a given timeframe*
- C) *“Type C” permit- permanent, allows its holder to enter, reside and exit the territory*
- D) *“Blue Card AL” permit- renewable, only for highly qualified employees: reside and exit the territory in a given timeframe*
- E) *“Blue Card AL-C”- permanent, only for highly qualified employees- reside and exit the territory*

The issuing phase includes a consultation procedure with the National Information Service, as well as local order and security institutions. After that, the Border and Immigration Department of the Foreign Ministry is responsible for the approval, while the regional authorities deliver the document.

Table 2: Residence permit applications by country of origin

Country of Origin	2020 ²⁰	2021 ²¹	2022 ²²	2023 ²³
Iran	2324	2454	61	64
Italy	1119	1393	2064	2201
Kosovo	916	1087	2073	1343
Turkey	742	919	782	1142
USA	193	231	252	298
Egypt	210	220	276	480
Philippines	80	166	272	472
North Macedonia	120	161	171	212
Bangladesh	28	154	203	726
Syria	177	152	181	214
Other	1752	2169	3792	5278
Total	7661	9106	10127	12430

¹⁹ Article 32, law no. 79/2021 “On Aliens”. https://mb.gov.al/wp-content/uploads/2022/03/Ligj-p%C3%ABr-t%C3%AB-Huajt-%E2%80%93-nr.-79.2021_English.pdf

²⁰ Response provided to Albanian Helsinki Committee through Official Correspondence, Ministry of the Interior/ General Directorate of State Police / Border and Migration Department, Tirana 24.7.2024

²¹ Report on Foreigners in Albania, National Institute of Statistics, Tirana 22.08.2022 <https://www.instat.gov.al/al/temat/treguesit-demografikë-dhe-socialë/migrimi-dhe-integrimi-i-migrantëve/publikimet/2022/të-huajt-në-shqipëri-2021/>

²² Report on Foreigners in Albania, National Institute of Statistics, Tirana 21.08.2023 <https://www.instat.gov.al/media/12600/draft-publikimi-i-te-huajve-2022-2023.pdf>

²³ Response provided to Albanian Helsinki Committee through Official Correspondence, Ministry of the Interior/ General Directorate of State Police / Border and Migration Department, Tirana 24.7.2024

Note: From 2020 to 2023, residence permit applications increased for nearly all countries, except Iran, which saw a significant decline. This indicates differing trends in emigration, likely influenced by socio-economic or political factors in Iran.

There is a marked decrease in residence permit applications from Iranian citizens from 2021 to 2022. This follows the deterioration and eventual severing of diplomatic relations between Albania and Iran.

Table 3: Foreigners residing in Albania

Year	Number of foreigners with residence permit
2020	13.609 ²⁴
2021	14.921 ²⁵
2022	18.151 ²⁶
2023	12.338 ²⁷

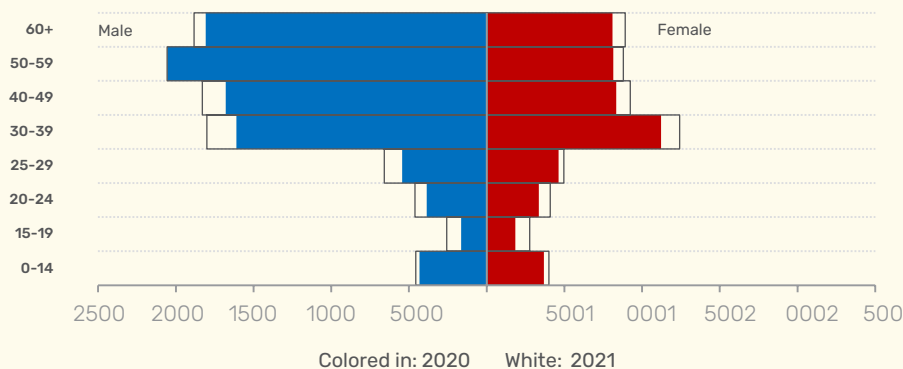
Note: The number of foreigners residing in Albania has increased since 2020. The source of the data for 2023 is different than previous years, casting doubt on its accuracy.

From 2020 to 2022, the number of foreigners residing in Albania increased significantly, peaking in 2022. However, in 2023, there has been a noticeable decline in this population, suggesting shifts in migration patterns or changing conditions within the country.

Immigrant Gender Demographics

Most immigrants in Albania are male. The difference in percentage between male and female immigrants is greatest for adults of working age and negligible for children.

Figure 1: Foreigners in Albania by Sex and Age 2020-2021 ²⁸



²⁴ Report on Foreigners in Albania, National Institute of Statistics, Tirana 22.08.2022 <https://www.instat.gov.al/al/temat/treguesit-demografikë-dhe-socialë/migrimi-dhe-integrimi-i-migrantëve/publikimet/2022/të-huajt-në-shqipëri-2021/>

²⁵ Idem.

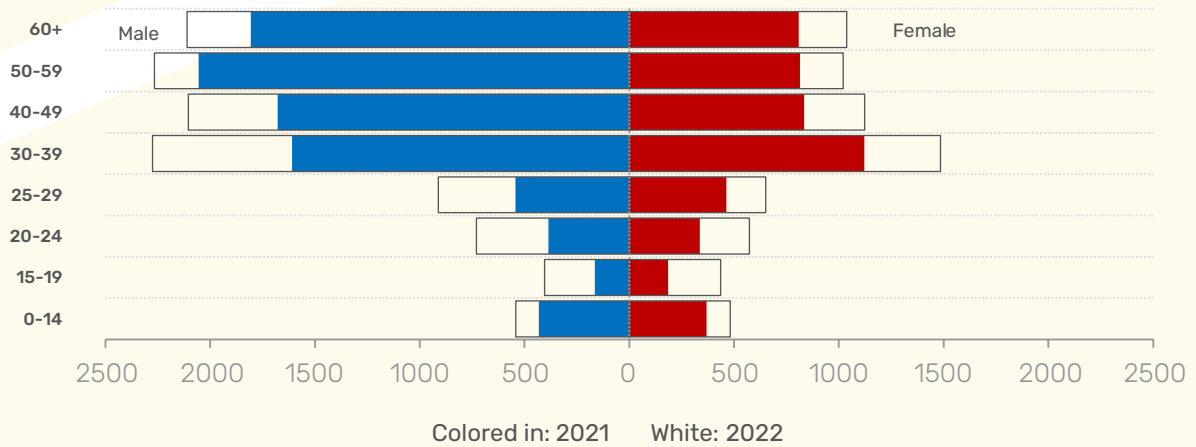
²⁶ Report on Foreigners in Albania, National Institute of Statistics, Tirana 21.08.2023 <https://www.instat.gov.al/media/12600/draft-publikimi-i-te-huajve-2022-2023.pdf>

²⁷ Response provided to Albanian Helsinki Committee through Official Correspondence, Ministry of the Interior/ General Directorate of State Police / Border and Migration Department, Tirana 24.7.2024

²⁸ Report on Foreigners in Albania, National Institute of Statistics, Tirana 22.08.2022 <https://www.instat.gov.al/al/temat/treguesit-demografikë-dhe-socialë/migrimi-dhe-integrimi-i-migrantëve/publikimet/2022/të-huajt-në-shqipëri-2021/>

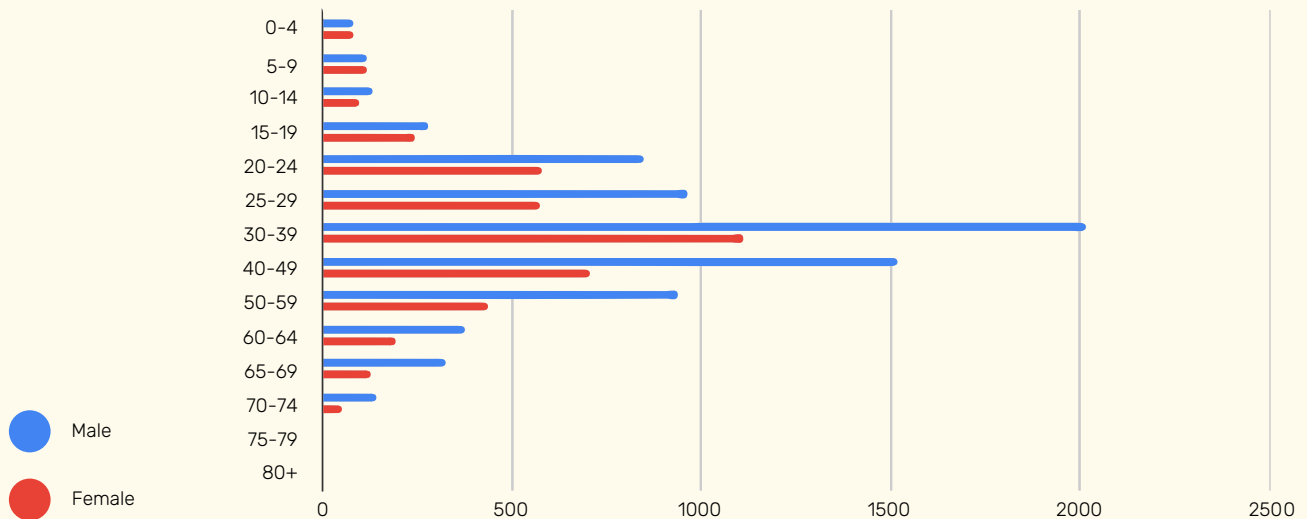
Note: From 2020 to 2021, there was a notable dominance of the male gender among foreigners in Albania, particularly within the age group of 50-59. However, applications from females have also increased significantly during this period, indicating a positive trend toward greater female representation.

Figure 2: Foreigners in Albania by Sex and Age 2021-2022 ²⁹



Note: Between 2021 and 2022, there was a significant increase in the number of foreign residents in Albania, with males continuing to dominate the statistics. This trend underscores the ongoing gender imbalance in the foreign resident population during this period.

Figure 3: Foreigners in Albania by Sex and Age 2023 ³⁰



Note: In 2023, data on foreigners in Albania reveals that males dominate the population, particularly in the age group of 30-39 years. This trend underscores a continued prevalence of male residents in this demographic.

²⁹ Report on Foreigners in Albania, National Institute of Statistics, Tirana 21.08.2023 <https://www.instat.gov.al/media/12600/draft-publikimi-i-te-hua-jve-2022-2023.pdf>

³⁰ Response provided to Albanian Helsinki Committee through Official Correspondence, Ministry of the Interior/ General Directorate of State Police / Border and Migration Department, Tirana 24.7.2024

The authorities can refuse the issue or renewal of the visa in specified cases (article 33³¹):

- A) *The required documentation was not put at disposal by the applicant*
- B) *The applicant is not capable of proving he/she fulfils the necessary conditions the visa requires*
- C) *The applicant constitutes a risk to national and public safety and order*
- D) *In the case of family reunification, the marriage does not legally exist anymore*
- E) *The reasons for which the visa was issued are no longer present*
- F) *When the visa was obtained by fraud or providing false documents*
- G) *The applicant has resided for more than 180 days outside the territory, within a one-year timeframe provided by the residence permit*

In exceptional circumstances, the residence permit may be issued or renewed, even if the motivation for obtaining it is no longer current. Specifically:

- A) *Survival-necessary medical treatment*
- B) *Cases in which the revocation/non-renewal of the residence permit would infringe the right to family life, as well as protection of the child's interest*
- C) *Humanitarian reasons*

The revocation/non-renewal decision can undergo an appeal process, which is generally regulated by the Code of Administrative Procedures. Thus, the General Director of State Police would be competent to review the appeal.

In this context, it is important to highlight that there are no special appeal-reviewing bodies in the Directorate of State Police.³²

The full exhaustive list of residence permits' motivations is stated in Article 39³³:

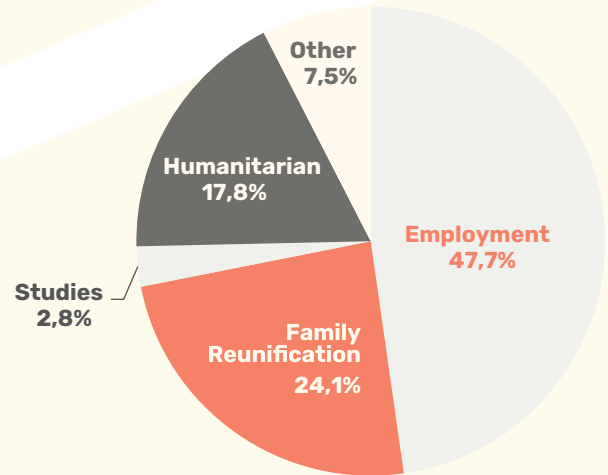
- | | | | |
|----|-----------------------|----|--|
| a) | Family reunification; | g) | Job seeking or entrepreneurial reasons |
| b) | Studying reasons; | | by researchers and students; |
| c) | Unpaid trainees; | h) | Humanitarian cases; |
| d) | Au Pair; | i) | Human trafficking victims; |
| e) | Youth Exchanges; | j) | Stateless individuals; |
| f) | Scientific research; | k) | Work-motivated unique permits; |

³¹ Article 33, law no. 79/2021 "On Aliens". https://mb.gov.al/wp-content/uploads/2022/03/Ligj-p%C3%ABr-t%C3%AB-Huajt-%E2%80%93-nr.-79.2021_English.pdf

³² The National Strategy on Migration and Action Plan 2019 - 2022. THE NATIONAL STRATEGY.pdf (iom.int) <https://albania.iom.int/sites/g/files/tmzbd1401/files/documents/THE%20NATIONAL%20STRATEGY.pdf>

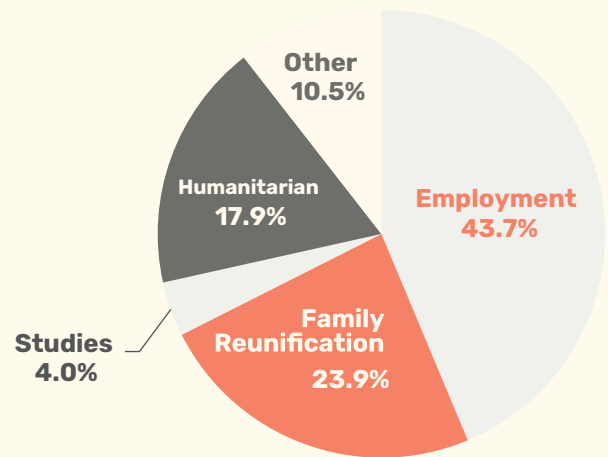
³³ Article 39, law no.79/2021 "On Aliens". https://mb.gov.al/wp-content/uploads/2022/03/Ligj-p%C3%ABr-t%C3%AB-Huajt-%E2%80%93-nr.-79.2021_English.pdf

Figure 4:
 Foreigners by purpose of stay 2021 ³⁴



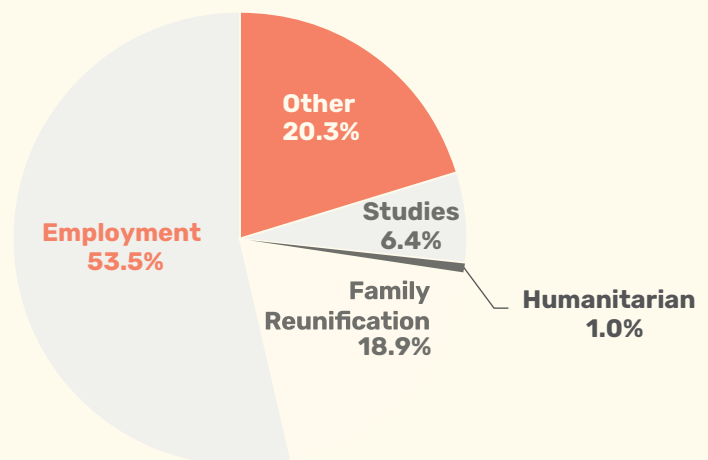
Note: In the 2021 data on foreigners by purpose of stay, the largest portion is attributed to employment, followed by family reunification. The lowest percentage is for study purposes.

Figure 5:
 Foreigners by purpose of stay 2022 ³⁵



Note: In 2022, the data on foreigners by purpose of stay in Albania remained largely unchanged from the previous year, although there were slight percentage shifts. The main reasons for residency continued to be employment and family reunification, with minimal variations in distribution.

Figure 6:
 Foreigners by purpose of stay 2023 ³⁶



Note: In 2023, unlike the previous two years, there was a decline in the percentage of family reunifications among foreigners in Albania. Conversely, there was an increase in the percentage of residents for employment purposes, a rise in those arriving for study purposes, and an increase in the humanitarian category as well.

³⁴ Report on Foreigners in Albania, National Institute of Statistics, Tirana 22.08.2022 <https://www.instat.gov.al/al/temat/treguesit-demografikë-dhe-socialë/migrimi-dhe-integrimi-i-migrantëve/publikimet/2022/të-huajt-në-shqipëri-2021/>

³⁵ Report on Foreigners in Albania, National Institute of Statistics, Tirana 21.08.2023 <https://www.instat.gov.al/media/12600/draft-publikimi-i-te-huajtve-2022-2023.pdf>

³⁶ Response provided to Albanian Helsinki Committee through Official Correspondence, Ministry of the Interior/ General Directorate of State Police / Border and Migration Department, Tirana 24.7.2024

III. The Access of Foreigners in the Education System

According to the law for foreigners, it is provided that a foreigner, who has entered and resides in the Republic of Albania for study purposes, in a public or private educational institution, accredited by the Albanian state, has the right to apply for residence permit.

A foreigner, who is accepted in an educational institution, or who participates in trainings or internships, is provided with a residence permit, with a duration of *not more than a year*, when it is released for the first time and can be extended every time with one year until the end of the school, studies or internship. In the case that the duration of the course is less than a year, the extent of the residence permit equals the duration of the course.

Based on decision no.858, date 29.12.2021 of the Council of Ministers “*For the establishment of the requirements, procedures and the documents for entering, residing and training of foreigners in the Republic of Albania*”, amended, it provides that the additional documents, which are needed for a study visa (student and pupil) D/ST are:³⁷

- A) *Document, that proves the admission to an Albanian educational institution.*
- B) *Bank statement, that proves the coverage of living and study expenses.*
- C) *Certificate, which proves the knowledge of the studies’ language. The proof of language can be verified also through an interview, concluded by the person in charge of consulate affairs, in the embassy or consulate.*

Additional documents necessary for the approval of the residence permit for study purposes (student and pupil):

- Document, that proves the admission to an Albanian educational institution.
- Bank statement, that proves the coverage of living and study expenses for the required period of stay.
- Certificate, which proves the knowledge of the studies’ language or proof of admission to a preparatory language course.
- Document, which proves that the tuition fees are paid.³⁸

³⁷ Decision no.858, date 29.12.2021 of the Council of Ministers “For the establishment of the requirements, procedures and the documents for entering, residing and training of foreigners in the Republic of Albania. <http://qbz.gov.al/eli/vendim/2021/12/29/858>

³⁸ Idem.

Additional documents necessary for pupils:

- Proof that the pupil is not under or above the age provided in the national legislation.
- Proof of accommodation by a family, dormitory or another accommodation that fulfills the necessary requirements.

Directive no.13, dated 30.06.2023 of the Minister of Education and Sport, amended, provides the requirements and procedures for unifying the certificates and diplomas of undergraduate foreign students.³⁹

The application for the recognition and unification of the certificate of completion of basic education, class certificates, as well as the diploma of higher secondary education, belonging to levels 1 to 4 of the Albanian Framework and the European Framework of Qualifications, is carried out online through the e-Albania portal in the electronic service *"Application for the validity of the certificates of students of pre-university education coming from abroad"*.

The procedure of recognition and unification of the certificate of completion of basic education and the certificates of pre-university education classes, after the online application, continues with the examination and verification of the documentation by the Commission of Recognition of Certificates in LPUO.⁴⁰ When the application file is completed with all the required documentation, this procedure finishes within 45 days.

Regarding the pursuit of higher education in the Republic of Albania, higher education institutions set special quotas for foreign students in the study programs they offer.

Foreigners can apply to higher education institutions, in accordance with the deadlines set by these institutions for each academic year, in the study programs where the quotas for these categories are provided by the HEI⁴¹ in the study programs they offer.

In the directive of the Minister of Education and Sports is provided that the registration of these winning candidates is done with reservation, if in the moment of registration, these individuals do not possess the document of recognition and unification issued by the Centre of Educational Services (CES). Such a provision allows foreigners to register with reservations in the conditions when they have not yet completed the recognition of the diploma that constitutes a condition for pursuing studies.⁴²

Foreigners must present to the institution of higher education the proof of knowledge of the Albanian language, issued by the responsible structures (for cases where they are enrolled in a study program conducted in the Albanian language). In cases where foreigners have completed upper secondary education in the same foreign language as the study program of the HEI⁴³, where they apply, they are excluded from the obligation to present proof of knowledge of this foreign language.

³⁹ Directive No.13, dated 30.6.2023 of the Minister of Education and Sport "For procedures for unifying the certificates and diplomas of undergraduate foreign students"

⁴⁰ Local Pre-University Office.

⁴¹ Higher Education Institution

⁴² Chapter VI of Directive No.12, dated 30.6.2023 of the Minister of Education and Sport "For procedures of application and registration to higher education institutions".

⁴³ Higher Education Institution

IV. Employment of Foreigners: Rules and Requirements for Employment of Foreigners

The International Convention “On the protection of the rights of all migrant workers and members of their families”, ratified by law no. 9703, dated 2.4.2007, provides for the obligation of the party states that, in accordance with international instruments regarding human rights, undertake to respect and guarantee for all migrant workers and members of their families, within the territory or object of their jurisdiction, the rights provided for in the convention without distinction of sex, race, colour, language, religion, faith, political beliefs or others, national, ethnic or social origin, citizenship, age, economic status, wealth, marital status, birth status or other.⁴⁴

It is not permissible to exert any form of pressure on migrant workers and their family members, in order for them to give up or not to claim any of the mentioned rights. It is not possible to deviate by contract from the rights recognized in the Convention. States, who are parties to the Convention, shall take appropriate measures to ensure compliance with these principles.

The Stabilization and Association Agreement contains numerous obligations, stemming from the provisions of Articles 48 and 49 of the SAA, in the field of access to the labour market for EU citizens in the Republic of Albania, the movement of workers, employment and professional training conditions.⁴⁵

The Stabilization and Association Agreement provides that, in accordance with the applicable conditions and modalities, Albania and the EU Member States ensure that the citizens of the partner country who are legally employed in their territory are not subject to discrimination, in regards to their nationality, working conditions, remuneration or dismissal.⁴⁶

The National Employment and Skills Strategy (NESS) 2023–2030 provides an assessment of the migration situation from an employment and skills perspective. The NESS, in measures aimed at achieving its vision of employment and skills for all, during life, specifically for the movement of workers, envisages interventions aimed at connecting with the European platform of employment offices (EURES), improving the regulatory framework for the fair recruitment of employees, strengthening cooperation between public and private employment offices, identifying missing skills in the country and region and filling them through the promotion of movement in the Southeast European region.

EU citizens have the right to work in Albania without a work permit. This is made possible by the provisions of the Law on Foreigners and subsequent amendments, which provide that foreigners do not need a work permit or a business registration certificate, if they are citizens of an EU Member State or of a Schengen country and legally stay in Albania. The foreigner can be employed in the Republic of Albania by being provided with a *unique permit*.⁴⁷

⁴⁴ The International Convention “On the protection of the rights of all migrant workers and members of their families”, ratified by law no. 9703, dated 2.4.2007

⁴⁵ Idem.

⁴⁶ The International Convention “On the protection of the rights of all migrant workers and members of their families”, ratified by law no. 9703, dated 2.4.2007

⁴⁷ Article 81, law no. 79/ 2021 “On Aliens”. https://mb.gov.al/wp-content/uploads/2022/03/Ligj-p%C3%ABr-t%C3%AB-Huajt-%E2%80%93-nr.-79.2021_English.pdf

V. Unique Work Permits

Law no. 15/2019 “On the promotion of employment”, as amended, provides that the right to benefit from the services offered in the regional/local structure is provided to all foreign citizens and those without citizenship, who enter and stay legally in the territory of the Republic of Albania, for employment purposes, in accordance with the legislation in force for foreigners. Foreigners, who have benefited from refugee status, as well as asylum seekers in the Republic of Albania, also have the right to benefit from these services.

The foreigner can be employed in the Republic of Albania by being provided with a *unique permit*. The application for a unique permit is made through the secure online electronic system. At the moment of completion of the application, the foreigner is sent an online notification about the acceptance of the application.

The authority for receiving the application and issuing the unique permit is the Border and Migration Authority.⁴⁸

- *For the categories of foreigners, which according to the law must receive employment approval, the application is reviewed and approved online first by National Agency for Employment and Skills (NAES).*
- 1) *The categories that receive approval from the National Employment and Skills Agency, as long as it is not provided otherwise in interstate agreements or other legal acts, are employees, seasonal employees transferred within the enterprise, highly qualified employees, volunteers, sportsmen and contractual services.*
- *For the category of self-employed foreigners and investors, the evaluation of meeting the conditions for acquiring a unique permit is done by the Evaluation Commission of the Ministry responsible for finance and economy.*
- *For the categories of foreigners who, based on the law, need to be provided with a visa, the visa is approved by the Ministry for Europe and Foreign Affairs after the employment approval has been approved by National Agency for Employment and Skills (NAES). After the employment approval by National Agency for Employment and Skills (NAES) and the visa approval by the Ministry for Europe and Foreign Affairs, the border and migration authority take the decision to issue, change or renew the unique permit, if the applicant fulfills the conditions specified in the law.*
- *For categories that do not need employment approval and visa approval, the application is made directly to the structure responsible for border and migration issues. The review of the request and the issuance of the unique residence permit, when the criteria required by the legislation in force is met, are done within a maximum time period of 12 weeks from the day of application.*

⁴⁸ Decision no.858, date 29.12.2021 of the Council of Ministers “For the establishment of the requirements, procedures and the documents for entering, residing and training of foreigners in the Republic of Albania”, amended.

The necessary documentation to be provided with a unique permit as an employee:

- *Employment contract as an employee with an employer, in accordance with his professional training (the employment contract must contain all the requirements defined in the Labor Code of the Republic of Albania for this document), or categorization as a job seeker, in accordance with the reciprocal intergovernmental agreement.*
- *Proof of qualification (diploma/certificate/references or self-declaration of work experience) that proves the professional skills in accordance with the work to be performed under the employment contract.*

Furthermore, in the National Strategy for Gender Equality 2021-2030, interventions are specifically foreseen for: the fulfilment of economic and social rights for migrant women; increasing migrant women's access to financial services and products, informing migrant women about property rights; reducing the barriers that keep women, young people and girls away from the labour market, as well as increasing the access of women, young people and girls from all groups (migrants and asylum seekers, etc.) to decent work also in the non-traditional employment sectors (in particular in science, technology, engineering, mathematics) and the improvement of specialized support services for survivors of gender-based violence, trafficking and sexual exploitation, from all groups of women (including migrant women).

In the context of supporting individuals seeking employment, the National Strategy for Gender Equality 2021-2030 outlines specific interventions aimed at fulfilling the economic and social rights of migrant women. These interventions include increasing access to financial services and informing migrant women about their property rights. The strategy also focuses on reducing barriers that prevent women, young people, and girls from entering the labour market. This includes enhancing access to decent work opportunities in non-traditional sectors such as science, technology, engineering, and mathematics. Furthermore, it aims to improve specialized support services for survivors of gender-based violence, trafficking, and sexual exploitation, with a particular emphasis on all groups of women, including migrant women.

There has been a significant increase of foreigners employed in Albania from 2019 to 2023⁴⁹. The data for 2020 is incomplete. The number of foreigners working without a permit is unknown for 2021, 2022 and 2023. However, the data available from 2019 indicates that most foreigners are employed in compliance with the law.

⁴⁹ There is a discrepancy between the 2023 data provided by the Border and Migration Department and other sources. The National Employment and Skills Agency (AKPA) reported to Monitor Magazine that there were 9,825 foreigners equipped with work permits and work certificates in 2023. "Construction, bar and restaurant Turks lead the employment of foreigners in Albania; AKPA: The number of foreigners with work permits increased by 18% for 2023", Monitor Magazine, 21.02.2024 <https://www.monitor.al/turqit-e-ndertimit-bareve-dhe-restoranteve-kryesojne-punesimet-e-te-huajve-ne-shqiperi-akpa-numri-i-te-huajve-me-leje-pune-urrit-18-per-2023/> This alternate data suggests that the increasing trend of immigrants working in Albania has continued into 2023.

Tabela 4: Foreigners that work in Albania ²⁹

Time Period	2019 ⁵⁰	January-May 2020 ⁵¹	2021 ⁵²	2022 ⁵³	2023 ⁵⁴
Employed Foreigners	1106	200	3912	7436	7303
Without Work Permit	18	10	---	---	---
% Without	1.6	5			

Note: The data on foreigner employment status shows an increase in the number of employed individuals from 2019 to 2023. In the time period January to May 2020⁵⁵ the greatest number of employed foreigners have been observed in construction, mining and production.

However, *there are no available statistics regarding whether these individuals hold work permits for the years 2020-2023.*

Observations from two of the subgrantees under the FOSTER project , YVNO⁵⁶ and INAC⁵⁷ has brought to light several concerning challenges, which appear to disproportionately affect various migrant communities.

For instance, with regard to the African community, a significant number of individuals frequently enter Albania on tourist visas, often due to either a lack of accurate information or misinformation, with the intent of seeking employment. These individuals, however, should be entering the country on work visas, as per the legal requirements. This initial challenge often leads to a second, more serious issue: these individuals are frequently employed by sports clubs in Albania without formal employment contracts. Consequently, they have no legal protection as workers, which exposes them to potential exploitation and labour rights violations.

In cases where sports clubs no longer wish to retain a player’s services, these individuals are left in an exceptionally vulnerable position, with no means to defend their rights or seek legal redress due to the absence of contractual agreements. What exacerbates the situation is that, despite the awareness of these practices, no corrective measures have been taken to address these violations by the Albanian Football Federation.

⁵⁰ Monitoring Report on the Execution of the National Strategy on Migration 2019-2022, Ministry of the Interior/ Directorate of Anti-trafficking and Immigration / Technical Secretariat, Tirana 2022 https://akpa.gov.al/wp-content/uploads/2021/05/Qershor-2019-Qershor-2020_Raport-vjetor-i-Strategjise-Kombetare-per-Migracionin-2019-2022.pdf

⁵¹ Idem.

⁵² Response provided to Albanian Helsinki Committee through Official Correspondence, Ministry of the Interior/ General Directorate of State Police / Border and Migration Department, Tirana 24.7.2024

⁵³ Idem.

⁵⁴ Idem.

⁵⁵ Monitoring Report on the Execution of the National Strategy on Migration 2019-2022, Ministry of the Interior/ Directorate of Anti-trafficking and Immigration / Technical Secretariat, Tirana 2022 https://akpa.gov.al/wp-content/uploads/2021/05/Qershor-2019-Qershor-2020_Raport-vjetor-i-Strategjise-Kombetare-per-Migracionin-2019-2022.pdf

⁵⁶ Youth Voice Network Organization, based in Tirana, Albania. <https://youthvoicenetwork.org/>

⁵⁷ Information Network &Active Citizenship, based in Elbasan, Albania. <https://www.inacalbania.org/al/>

A second critical issue emerges when members of the African community are employed by commercial entities under formal contracts. Despite holding valid residence permits, their legal protections in employment disputes appear inadequate. It is not uncommon for employers to unilaterally terminate their contracts, after which the affected individuals are immediately deported, without being afforded any period of time to file a formal complaint or seek alternative employment. The lack of adequate recourse and support further worsens their vulnerability in such situations.

With regard to the Indian and Bangladeshi communities, most of these individuals come to Albania for employment through recruitment agencies in their countries of origin. The primary challenge they face is the significant language barrier, as they do not speak Albanian. As a result, when problems arise, they are forced to communicate and seek assistance solely through the agencies in their home countries, limiting their ability to navigate local systems and protect their rights.

An even greater risk emerges when these individuals, deprived of employment and legal protections, find themselves in a state of uncertainty. Lacking a steady income, legal security, or social support, they are at risk of economic hardship, which may lead to further marginalization. This precarious situation could, in turn, pose broader risks to social stability, as individuals with no viable means of sustenance or legal options may be more exposed to exploitation or illicit activities.

In a European–Albanian comparative context, unique work permits represent a very important element, which has been harmonized with the relevant EU legislation, namely Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011⁵⁸, *on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State*.

Article 57⁵⁹ of the Albanian law describes how unique work permits undergo specialized conditions approved by the Council of Ministers and the National Agency of Employment and Skills.⁶⁰

⁵⁸ Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011. <http://data.europa.eu/eli/dir/2011/98/oj>

⁵⁹ Article 57, law no.79/2021. https://mb.gov.al/wp-content/uploads/2022/03/Ligj-p%C3%ABr-t%C3%AB-Huajt-%E2%80%93-nr.-79.2021_English.pdf

⁶⁰ The National Strategy on Migration and Action Plan 2019 – 2022. THE NATIONAL STRATEGY.pdf (iom.int) <https://albania.iom.int/sites/g/files/tmzbd1401/files/documents/THE%20NATIONAL%20STRATEGY.pdf>

Accordingly, Decision No. 858 was approved on 29.12.2021, and details a specific procedure and set of conditions a unique work permit applicant has to go through: The application has to be made *on-line* via the official internet public administration service (e-Albania) and further reviewed by the Ministry on Europe and Foreign Affairs⁶¹, after the necessary approval by the National Agency of Employment and Skills.⁶² Further, the applicant has to provide a valid work contract, which must comply with all the legal requirements set by the Labour Code. Further, the Decision details how various categories of employees must submit a set of appropriate documents. Thus, there are specific requirements for athletes, volunteers, individuals which will undergo professional qualification, highly qualified employees, self-employed individuals, etc.

It is interesting to note how Article 58⁶³ of the Albanian law describes the specific criteria a seasonal worker would have to fulfil to obtain a unique work permit, approved by the National Agency of Employment and Skills.⁶⁴ In this case, the permit cannot be granted for a period longer than six months, for every year.

Meanwhile, Directive 2011/98/EU⁶⁵ states that exempts third-country nationals who have been admitted to the territory of a Member State from working on a seasonal basis, given their temporary status.

Further, Article 1⁶⁶ of the Directive describes how Member States are free to set their own conditions concerning admissions to their respective labour markets. An alternative interpretation of this norm would allow for the options offered by the Albanian Law, interestingly, there are several opportunities for contract service providers, investors, digital nomads, self-employed individuals to gain unique work permits.

Article 73⁶⁷ of the Albanian Law describes how the revocation/non-renewal/issue refusal decision by the Ministry on Europe and Foreign Affairs⁶⁸ can be appealed following the standard route highlighted in the Code of Administrative Procedures. **Even in this case, the Minister of Foreign Affairs would be competent for reviewing the appeal.** The same conclusion can be drawn, that there is no special body responsible for reviewing these complaints. The Albanian law also describes how, in cases of unsuccessful appeals, the applicant may follow a judicial complaint to the Administrative Court. This is in accordance with the second paragraph of the eighth article of the Directive, which states that “*A decision rejecting the application to issue, amend or renew or withdrawing a single permit shall be open to legal challenge in the Member State concerned, in accordance with national law.*”

⁶¹ The National Strategy on Migration and Action Plan 2019 – 2022. THE NATIONAL STRATEGY.pdf (iom.int) <https://albania.iom.int/sites/g/files/tmzbd1401/files/documents/THE%20NATIONAL%20STRATEGY.pdf>

⁶² Idem.

⁶³ Article 58, law no.79/2021. https://mb.gov.al/wp-content/uploads/2022/03/Ligj-p%C3%ABr-t%C3%AB-Huajt-%E2%80%93-nr.-79.2021_English.pdf

⁶⁴ The National Strategy on Migration and Action Plan 2019 – 2022. THE NATIONAL STRATEGY.pdf (iom.int) <https://albania.iom.int/sites/g/files/tmzbd1401/files/documents/THE%20NATIONAL%20STRATEGY.pdf>

⁶⁵ Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011. <http://data.europa.eu/eli/dir/2011/98/oj>

⁶⁶ Article 1, Directive 2011/98/EU. <https://eur-lex.europa.eu/eli/dir/2011/98/oj>

⁶⁷ Article 73, law no.79.2021 https://mb.gov.al/wp-content/uploads/2022/03/Ligj-p%C3%ABr-t%C3%AB-Huajt-%E2%80%93-nr.-79.2021_English.pdf

⁶⁸ The National Strategy on Migration and Action Plan 2019 – 2022. THE NATIONAL STRATEGY.pdf (iom.int) <https://albania.iom.int/sites/g/files/tmzbd1401/files/documents/THE%20NATIONAL%20STRATEGY.pdf>

The written notification referred to in paragraph 1 shall specify the court or administrative authority where the person concerned may lodge an appeal and the time limit therefore.

Interestingly, the third paragraph gives Member States the opportunity to consider an application as inadmissible, on the grounds of volume of admission of third-country nationals coming for employment, and on that basis, need not be processed. This is something which is not previewed by the Albanian legislation.

The first paragraph of the eighth article of the Directive⁶⁹ is in line with the principles set in the Code of Administrative Procedures: the competent authority - in this case the Ministry on Europe and Foreign Affairs - must provide a clear reasoning in writing for its refusal/non-renewal decision.

The twenty-second point of the Directive⁷⁰ states that working conditions, should cover at least pay and dismissal, health and safety at the workplace, working time and leave considering collective agreements in force. Interestingly, this is in accordance with Decision No. 858 of the Council of Ministers⁷¹, which sets an obligation for employees to follow the conditions set in the Labour Law. This act gives significant importance to collective agreements, in the context of the regulation of specific types of jobs. This is done in order to maintain a close relationship with specific types of jobs, so as to uphold the minimal requirements of employees' guarantees.

From this, it can be concluded that even though Law No. 79/2021 does not specifically address the collective agreements' issue stated by the Directive, this is done by Decision No. 858 of the Council of Ministers⁷², which indirectly deals with this legal omission.

Besides this Directive, Council Directive 2003/109/EC of 25 November 2003⁷³ concerning the status of third-country nationals who are long-term residents, deals with the terms for conferring and withdrawing long-term resident status granted by a Member State in relation to third-country nationals legally residing in its territory, and the rights pertaining there to.

⁶⁹ First paragraph of the eighth article of the Directive 2011/98/EU. <https://eur-lex.europa.eu/eli/dir/2011/98/oj>

⁷⁰ The twenty second point of the Directive 2011/98/EU. <https://eur-lex.europa.eu/eli/dir/2011/98/oj>

⁷¹ Decision No. 858 of the Council of Ministers. <http://qbz.gov.al/eli/vendim/2023/04/20/251>

⁷² Decision No. 858 of the Council of Ministers. <http://qbz.gov.al/eli/vendim/2023/04/20/251>

⁷³ Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents. <http://data.europa.eu/eli/dir/2003/109/oj>

Article 6⁷⁴ states that Member States may refuse to grant long-term resident status on grounds of public policy or public security. This is in line with the principle of public interest set out in Directive 98/2011⁷⁵, as well as Law No. 79/2021⁷⁶, while posing a significant risk concerning lack of proportionality,

Directive 2003/109/EC⁷⁷ obliges Member States to consider the severity or type of offence against public policy or public security, or the danger that emanates from the person concerned, while also having proper regard to the duration of residence and to the existence of links with the country of residence. The last two requirements enhance the applicants' need for personal safety from arbitral decisions. The existence of links with the country of residence is also stated in Law No.79/2021, stressing the importance of financial guarantees to support travels to and from Albania, in the case of "type C" visas applications.

VI. Health Care

The main principles and dispositions regarding healthcare in Albania are stated in Law No. 10107, dt. 30.03.2009, "On healthcare in the Republic of Albania". Article 37 says:

"Healthcare for foreign citizens

- 1. Healthcare for foreign citizens offered by such institutions for foreign citizens residing in the Republic of Albania, is done on the basis of international agreements and reciprocity.*
- 2. In the absence of such international agreements or reciprocal conditions, foreign citizens have the right to healthcare service on the basis of this law and the law on financing healthcare service.*
- 3. Foreign citizens, who need healthcare, when in a medical emergency, have the right to the same care conditions enjoyed by Albanian citizens,*
- 4. In the case of death of a foreign citizen in a healthcare service institution in Albania, the director of this institution must immediately contact the official representative of the respective country.⁷⁸"*

⁷⁴ Article 6, law no.79/2021 "On Aliens". https://mb.gov.al/wp-content/uploads/2022/03/Ligj-p%C3%ABr-t%C3%AB-Huajt-%E2%80%93nr.-79.2021_English.pdf

⁷⁵ Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State. <http://data.europa.eu/eli/dir/2011/98/oj>

⁷⁶ Law no.79/2021 "On Aliens". https://mb.gov.al/wp-content/uploads/2022/03/Ligj-p%C3%ABr-t%C3%AB-Huajt-%E2%80%93nr.-79.2021_English.pdf

⁷⁷ Directive 2003/109/EC. <http://data.europa.eu/eli/dir/2003/109/oj>

⁷⁸ Article 37, law no.10 107, dated 30.03.2009 Health Care in the Republic of Albania. <https://extranet.who.int/mindbank/item/3094>

Additionally, in article 133 of the same law, it is provided that even foreigners that do not provide a valid travel document, visa or residence permit and that cannot provide valid proof that they have entered and reside legally in Albanian territory, hospitals and health centers offer them health services in emergency health situations. It is worth emphasizing that one of the requirements to obtain a visa and residence permit in the Republic of Albania, is also having a health insurance.

It is important to note that, before stating the principle of universal care and healthcare service equality, the Albanian legislation first lists two other factors:

1. International agreement.

2. Reciprocity.

Such conditioning is mainly done due to economic reasons. Being an economically high-sensitive activity, Law No. 10 107⁷⁹ attempts at “*setting a higher bar*”, for foreign citizens residing in Albania. The same goes for the condition of emergent medical care: only in this case, a foreigner would enjoy the same privileges as an Albanian citizen.

In the absence of an international agreement or of the requirements necessary to apply the reciprocity principle, foreign citizens are provided with healthcare services according to the law.

Meanwhile, *Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011⁸⁰ on the application of patients’ rights in cross-border healthcare* does operate via the same mechanism, namely by *conditioning the principle of universality to national legislation of EU Countries*.

Similarly, *Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011, which addresses patients’ rights in cross-border healthcare, operates via a parallel mechanism by conditioning the principle of universality on the national legislation of EU countries*.

While it is true that Directive 2011/24/EU⁸¹ mainly deals with “cross-border” service- referring to cases in which EU Citizens receive treatment in another country, but still inside the Union, article 3b) states that nationals of a third country who are covered by Regulation (EC) No 859/2003⁸² or Regulation (EU) No 1231/2010⁸³, or who satisfy the conditions of the legislation of the Member State of affiliation for entitlement to benefits shall be considered as “insured”. Again, the enjoyment of the same healthcare rights as EU nationals is conditioned by reasons of social benefits, *ergo economic reasons*.

⁷⁹ Law no.10 107, dated 30.03.2009 Health Care in the Republic of Albania. <https://extranet.who.int/mindbank/item/3094>

⁸⁰ Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the application of patients’ rights in cross-border healthcare. <http://data.europa.eu/eli/dir/2011/24/oj>

⁸¹ Idem.

⁸² Council Regulation (EC) No 859/2003 of 14 May 2003 extending the provisions of Regulation (EEC) No 1408/71 and Regulation (EEC) No 574/72 to nationals of third countries who are not already covered by those provisions solely on the ground of their nationality. <http://data.europa.eu/eli/reg/2003/859/oj>

⁸³ Regulation (EU) No 1231/2010 of the European Parliament and of the Council of 24 November 2010 extending Regulation (EC) No 883/2004 and Regulation (EC) No 987/2009 to nationals of third countries who are not already covered by these Regulations solely on the ground of their nationality. <http://data.europa.eu/eli/reg/2010/1231/oj>

Regulation (EEC) No 1408/71 of the Council of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community⁸⁴, which is referred by the above-mentioned Directive, only applies to these sorts of issues:

- (a) sickness and maternity benefits;
- (b) invalidity benefits, including those intended for the maintenance or improvement of earning capacity;
- (c) old-age benefits;
- (d) survivors' benefits;
- (e) benefits in respect of accidents at work and occupational diseases;
- (f) death grants;
- (g) unemployment benefits;
- (h) family benefits.

In parallel, Law No. 10/2021 "Regarding Asylum" establishes that healthcare is provided in Asylum Reception Centres. Applicants for international protection are entitled to healthcare services. This entitlement encompasses emergency healthcare, general healthcare, and treatment for illnesses and serious mental health disorders.

Applicants who have been subjected to rape, torture, inhumane or degrading treatment or other serious forms of violence, as well as applicants who belong to a special category, are offered the necessary health treatment according to the specific needs and the consequences, which this individual is dealt with. While the person with refugee status or the person with supplementary protection status has the right to healthcare under the same conditions as albanian citizens.

Foreign citizens, who require healthcare services, in the circumstances of urgent medical assistance, are provided with medical assistance and in equal grounds that citizens of the Republic of Albania are provided with. Furthermore, according to law no.147/2014 "For urgent medical care services", urgent medical service in all of his levels, applies to all albanian and foreign citizen, who reside permanently or temporarily in Albania, and also it applies to every foreign citizen who is passing the territory of Albania.

Conclusively, the Albanian legislative situation with regards to healthcare service, is quite similar to *acquis*. In both cases, the law does not offer a real, practical opportunity to healthcare,

⁸⁴ Regulation (EEC) No 1408/71 of the Council of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community. <http://data.europa.eu/eli/reg/1971/1408/oj>

that goes beyond *medical emergencies*, or cases in which foreigners may be covered by a decent social security scheme.

In the institutional context, the Ministry of Health and Social Services⁸⁵ plays a significant role. According to the National Action Plan, meaningful measures ought to be taken, in order to ensure training sessions for medical staff, in order to improve care for foreigners and immigrant workers through better understanding of medical and social risk factors and the impact of culture on health and disease. This public body is also competent for drafting programs to identify the needs of vulnerable categories of foreigners and monitor the demand for specific services.

VII. Housing

Housing remains an issue of particular social interest in the Republic of Albania, especially for foreign citizens. Individuals who cannot economically afford an appropriate accommodation can benefit from social housing programs. When taking into consideration non-Albanian citizens, however a series of conditions have to be fulfilled.

Article 10⁸⁶ of this Law is also quite important, as it declares the *principle of non-discrimination*. Namely: *“The rights arising from this law are guaranteed without any kind of discrimination to any individual, regardless of sex, race, colour, religion, ethnicity, language, gender identity, sexual orientation, political, religious or philosophical, economic, social, schooling, education or/and parental status, family or marital status, health status, genetic predispositions, different abilities, related to a particular group and any consequence that may bring. No one can be denied the right to benefit from housing in one of the social programs of housing for the reasons mentioned in point 1 of this article, except when a social housing program is specifically programmed and addressed to help individuals or groups in need.”*

Yet, however “open” this article is supposed to be, it creates a significant contravention with another part of this law, which brings about impactful blockages with respect to granting foreigners the right to benefit from social housing programs. Article 13⁸⁷ of Law No. 22/2018 “On Social Housing” states that foreign citizens can benefit from these schemes, if they have either received the status of “immigrant worker” or “asylee”.

Practically speaking, the *Strategy on Social Housing 2016–2025*, ratified by the Ministry for Urban Development⁸⁸ addresses an important problem: most of the competent public bodies’ attention is directed towards the distribution of the schemes; very little is done to estimate *the concrete impact* the scheme has had. The Ministry of the Interior⁸⁹ is responsible for assessing institutional capacity to effectively govern immigration, as well as estimate the implementation of ratified conventions and their effect on immigrants’ rights to identify the most effective implementation mechanisms.

⁸⁶ Article 10, law no.79/2021 “On Aliens”. https://mb.gov.al/wp-content/uploads/2022/03/Ligj-p%C3%ABr-t%C3%AB-Huajt-%E2%80%93-nr.-79.2021_English.pdf

⁸⁷ Article 13, Law No. 22/2018 “On Social Housing”. <https://planifikimi.gov.al/index.php?eID=dumpFile&t=f&f=5092&token=17ce3e9e86bf38cfc47343ed2338f07e8b-85fae0>

⁸⁸ The National Strategy on Migration and Action Plan 2019 – 2022. THE NATIONAL STRATEGY.pdf (iom.int) <https://albania.iom.int/sites/g/files/tmzbd1401/files/documents/THE%20NATIONAL%20STRATEGY.pdf>

⁸⁹ Idem.

*Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents*⁹⁰ condition equal treatment to EU nationals to the obtaining of a long-term residence permit. According to this document, *the integration of third-country nationals who are long-term residents in the Member States is a key element in promoting economic and social cohesion, a fundamental objective of the Community stated in the Treaty.*

Directive 2003/109/EC⁹¹ states that the third country national's residence should be *continuous and legal.*

Interestingly, *economic considerations should not be a ground for refusing to grant long-term resident status and shall not be considered as interfering with the relevant conditions.* However, from what we already analysed from Directive 2003/109/EC⁹², the said conditions make it quite challenging to avoid an *institutionalized and legislative based type of discrimination.*

The European Commission has recently published an *Action Plan on Integration and Inclusion 2021-2027.*⁹³ While emphasizing the value of *Maximising EU added value through multi-stakeholder partnerships*, the Commission states that while national governments are primarily responsible for the overall design of integration and social policies such as education, employment, housing and healthcare, the EU plays a key role in supporting them and all other integration actors through funding, developing practical tools, coordinating actions and establishing relevant partnerships.

The Action Plan sets a *supporting role for the Commission:*

"While responsibility for housing policies is a national competence, the Commission can play an important role in supporting Member States as well as local and regional authorities to address the challenges and promoting inclusive housing solutions."

Further, the document suggests that *autonomous housing for asylum applicants with a high likelihood to be granted protection can speed up the integration process, especially when linked with early provision of integration support.*

To support its objectives on social housing, the European Commission says that it is important to *work with Member States to promote non-segregated adequate and affordable housing, including social housing, and to provide accompanying integration services through EU funds, in particular under European Regional Development Fund, European Social Fund Plus, Asylum and Migration Fund and Invest EU.*

The European Commission, through its European Website on Integration, encourages the provision of specific housing services and advice may be made available through integration centres, usually in countries with a longer history of immigration. Elsewhere, these are often carried out by civil society organizations, which are either mandated to do so by the government or fill in the gaps on their own initiatives, including through EU-funded projects.

⁹⁰ Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents. <http://data.europa.eu/eli/dir/2003/109/oj>

⁹¹ Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents. <http://data.europa.eu/eli/dir/2003/109/oj>

⁹² Idem.

⁹³ Communication From The Commission To The European Parliament, The Council, The European Economic And Social Committee And The Committee Of The Regions Action plan on Integration and Inclusion 2021-2027, European Commission, 2020

VIII. Conclusions and recommendations

In the case of non-renewal/ issue refusal decisions by the Border and Immigration Department, it would be best if a specialized body would be competent for reviewing the appeals. This measure would aim at economizing the workload the Director has to face, as well as creating a more specialized, institutionalized way of reviewing these appeals.

Even though Decision No. 858 of the Council of Ministers can provide an indirect interpretation of taking into consideration collective agreements in force, it would be best if this act would directly set this link.

Conclusively, we believe the Albanian legislation provides a stable regulatory framework concerning foreign individuals living and working in Albania. There have been continuous efforts to harmonize this aspect with *acquis*, though further efforts have to be done to implement the afore mentioned issues.

With regards to housing, the Albanian and EU legislation both share impactful blockages to granting foreign citizens social housing programs: namely, receiving either an “immigrant worker” or “asylee” status. Furthermore, EU regulations condition this right by “continuous and legal” residence, making it practically very challenging for foreigners coming from marginalized/ non-economically favourable backgrounds to benefit from these types of programs. We believe these conditions must be liberalized, in order to ensure a fairer and more just distribution of the social housing program.

Concerning healthcare, this right is greatly conditioned by economic reasons, such as benefiting from a social security program. International agreements and reciprocal grounds are also important factors for receiving proper healthcare. In both Albanian and EU cases, the law or the institutional framework does not offer a real, practical opportunity to healthcare, that goes beyond medical emergencies, or cases in which foreigners may be covered by a decent social security scheme. It is necessary that a more stable, reliable structure is created, in order to ensure better healthcare service for foreign citizens. Such structure needs to be implemented on the basis of integrity, equality and universality, and would be possible with the support of Civil Society Organizations, as well as international bodies.

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