

Issue 03/08

To keep you up-to-date with the latest economic and financial developments, this bulletin provides information that may affect the operation of your business in Albania.

On 01.12.2008 entered into force Law no. 9959 dated 17.07.2008 "On foreigners" (*hereinafter referred to as the "Law"*) which abolished Law no. 8492 dated, 27.05.1999. This new Law introduces relevant amendments regarding the work and residency permit procedures:

I. Visas

According to article 13 of the Law, the types of visa which are issued by the Albanian authorities are as follows:

- a- Type A: Airport transit visa with one entry only which allows the holder to stay at the international zone of the airport until the departure of the flight for the final destination (*the list of countries for which this type of visa is applied is subject to Decision of the Council of Ministers*).
- b- Type B: Transit visa with one or more entries which allows the holder to transit the Republic of Albania, and allows the holder to stay in the Albanian territory no longer than 5 days.
- c- Type C: Short term staying visa which allows the holder to stay in the Albanian territory up to 90 days within 180 days.
- d- Type D: Long term staying visa valid for a year which allows the holder to stay in Albania up to 180 days.

Foreigners entering the Republic of Albania without a visa may stay within the Albanian territory up to 90 days for a period of 180 days from the date of their entrance into the Albanian territory.

II. Residency Permit

According to article 24 of the Law, the application for obtaining the residency permit or for the renewal of the same, should be submitted 30 days prior the termination of the term. The residency permits are issued for a period of:

- a- 3 months, 6 month, 1 year, renewable up to 5 consecutive times.
- b- 2 years, renewable only one time.
- c- Permanent, in case the foreigner had legal residence in Albania for 5 consecutive years and stable relation or activity in the country (*except cases of educational purposes, article 26 paragraph a*).

III. Work Permit

According to the Law, foreigners who intent to work in Albania should apply for the work permit.

Under the new Law exemptions from the work permit are provided for the following categories of foreigners:

- (i) counselors or advisors near the central state institutions;
- (ii) technical assistance missions of international organizations near the central institutions;
- (iii) representatives of the international organizations with diplomatic status;
- (iv) foreigners which in accordance with the international law have diplomatic privileges and immunities;
- (v) staff of international transportation companies, staying not more than three months in the Albanian territory and their entities are registered in a foreign country;
- (vi) foreigner members of the military forces and or civil units of NATO's member;
- (vii) persons holding more than one citizenship, one of which is Albanian citizenship;
- (viii) representatives of mass media, correspondents or reporters, working for foreigner employers;
- (ix) foreigners who negotiate an agreement or take care of a pavilion for less than one month;
- (x) foreigners, who within one month, assembly machineries or constructions which are delivered by a foreigner company, foreigners who perform repair of machineries, and conduct trainings of the Albanian employees for their use;
- (xi) main representatives of non for-profit governmental organizations which are not remunerated for their work;
- (xii) representatives of religious or humanitarian institutions registered with the Albanian competent authorities, who are not remunerated for their work;
- (xiii) crew of ships or aircrafts with a temporary staying up to three months in the Republic of Albania;
- (xiv) business visitors which stay less than a month in the Republic of Albania;
- (xv) lecturers, researchers which came into Albania pursuant to bilateral agreements or educational institutions agreements;

The administrators, executive directors and employees performing technical duties of foreign companies which have an activity in Albania are not anymore exempted from the obligation to obtain the work permit.

The new Law provides that foreigners being shareholders of a company and holding at least 10% of the shares in the share capital or those who perform investments of at least 100,000 EUR should obtain the work permit.

As regards the terms of validity of the work permits article 49 of the Law provides that a foreigner can obtain a work permit valid for an initial term of one year, renewable twice. The application for renewal must be submitted 15 days prior the expiry date of the work permit.

According to article 61 of the Law after 5 years of continuous legal work in Albania a foreigner citizen can apply for a continuous work permit (*type D*).

IV. Sub-legal acts

Pursuant to article 108 of the Law, the Council of Ministers is entitled to issue the relevant sub-legal acts within four months from the entrance into force of the Law.

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