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LEGAL • TAX • ACCOUNTING

“On Foreigners”

Newsletter

PASSPORT

A close-up, low-angle shot of a dark blue or black passport cover. The word 'PASSPORT' is embossed in gold capital letters. Below it, the Great Seal of the United States is faintly visible, also embossed in gold. The background is a blurred blue and white, suggesting a bright, open space.

Draft Law “On Amending Law No. 79/2021 “On Foreigners”

On September 4, 2024, the Ministry of Interior submitted for public consultation the draft law “On Amending Law No. 79/2021 “On Foreigners” (the **Draft Law**).

The proposed Draft Law is fully aligned with the following EU Directives:

- Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes, educational projects, and au pairing.
- Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States, amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC, and 93/96/EEC.
- Directive (EU) 2024/1233 of the European Parliament and of the Council of 24 April 2024 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.
- Directive (EU) 2021/1883 of the European Parliament and of the Council of 20 October 2021 on the conditions of entry and

residence of third-country nationals for the purpose of highly qualified employment, repealing Council Directive 2009/50/EC.

- Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification.

The proposed amendments aim to streamline migration procedures and enhance service efficiency through digitization and the removal of redundant requirements.

One of the key features of the Draft Law is the simplification of visa regulations, particularly the extension of the "exemption period" for overstaying under visa categories A and B. Individuals will now have up to 15 calendar days before penalties are imposed for overstay, offering greater flexibility.

Additionally, significant provisions have been introduced to address the rights of European Union citizens and their family members residing in Albania. These individuals may stay for over three months without a Unique Permit or Residence Permit, provided they are employed, self-employed, have sufficient resources, health insurance, or are enrolled in an educational institution.

Furthermore, the Draft Law simplifies the procedure for obtaining a Unique Permit for foreigners, allowing applications to be submitted not only by the foreigner but also by their employer, an employment agency, or an authorized entity (licensed agency), thereby expanding the range of application possibilities. Investors will no longer be required to obtain a

Unique Permit, as the existing "Unique Investor Permit" is set to be reclassified as a residence permit. This change also removes the need for approval from the National Employment and Skills Agency.

Aiming to impede the irregular migration, the Draft Law introduces clearer and more stringent guidelines regarding deportation orders. These provisions specifically address cases where public or national security is at risk. During the appeal process, the foreigner is required to remain under alternative surveillance measures or be detained in a closed center, awaiting immediate deportation in accordance with the issued order.



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If you wish to know more on issues highlighted in this edition, you may approach your usual contact at our firm or the following:

info@bogalaw.com

Tirana Office

40/3 Ibrahim Rugova Str.

1019 Tirana

Albania

Tel +355 4 225 1050

Fax +355 4 225 1055

www.bogalaw.com

www.bogalawip.com

Pristina Office

50/3 Sylejman Vokshi Str.

10000 Pristina

Kosovo

Tel +383 38 223 152

Fax +383 38 223 153

www.bogalaw.com

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Boga & Associates

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