

Criminal Code (No. 7895, January 1995, as amended by Law n. 8733 of January 2001) (excerpts)

Criminal Code

As amended by Law no. 8733 of 24 January 2001

"for some additions and changes to Law No. 7895 of 27 January 1995

(excerpts - see in particular article 110a, 114b and 128b)

Section III - Criminal acts intentionally committed against health

Article 86

Torture

Torture, as well as any other degrading or inhuman treatment, is punishable by five to ten years of imprisonment.

Article 87

Torture resulting into serious consequences

Torture, like any other degrading or inhuman treatment, when it has inflicted handicap, mutilation or any permanent harm to the well-being of a person, or death, is punishable by ten to twenty years of imprisonment.

Article 88

Serious intentional injury

Serious intentional injury inflicting handicap, mutilation or any other permanent detriment to the health, or inflicting interruption of pregnancy, or which has been dangerous to the life at the moment of its inducement, is punishable by three to ten years of imprisonment.

When the same act is committed against a group of people, or causes death, it is punishable by five to fifteen years of imprisonment.

Article 89

Non-serious intentional injury

Intentional injury, inflicting temporary work incapacity of no longer than nine days, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

Article 89a

The trade of human organs, as well as every action that relates to illegal removal or implantation of the organs is sentenced with imprisonment from 10 up to 20 years.

Article 90

Other intentional harm

Assault as well as any other violent act, constitutes criminal contravention and is punishable by a fine. The same act, when causing temporary work incapacity of up to nine days, constitutes criminal contravention and it is punishable by a fine or up to six months of imprisonment. (...)

Section VI - sexual offences

Article 100**Intercourse with minor girls**

Intercourse with a minor girl who has not reached the age of thirteen years, or has not reached sexual maturity, is punishable by five to fifteen years of imprisonment.

When sexual intercourse was had without consent, or serious harm to the health of the victim has been caused, it is punishable by ten to twenty years of imprisonment.

When the act has resulted into death or suicide of the girl, it is punishable by no less than twenty years of imprisonment.

Article 101**Intercourse with minor girls between fourteen to eighteen**

Nonconsensual sexual intercourse with a minor girl between fourteen to eighteen years and who has reached sexual maturity is punishable by five to ten years of imprisonment.

When serious consequences result for the minor girls health, it is punishable by ten to fifteen years of imprisonment.

When the act lead to the death or suicide of the minor girl, it is sentenced no less than fifteen years of imprisonment.

Article 102**Nonconsensual sexual intercourse with mature women**

Nonconsensual sexual intercourse with mature women is punishable by three to ten years of imprisonment.

When serious consequences are caused to the health of the victim, it is punishable by five to fifteen years of imprisonment

When the act lead to the death or suicide of the victim, it is punishable by ten to twenty years of imprisonment.

Article 103**Intercourse with handicapped persons unable to protect themselves**

Sexual intercourse with an either physically or mentally handicapped victim who has reached the age of fourteen and is sexually mature or, when it is had while the victim has lost consciousness, is punishable by five to ten years of imprisonment

When serious consequences are caused to the health of the victim, it is punishable by five to fifteen years of imprisonment.

When the act has lead to the death or suicide of the victim, it is punishable by ten to twenty years of imprisonment.

Article 104**Intercourse under threat of gunpoint**

Sexual intercourse under threat of gunpoint is punishable by five to fifteen years of imprisonment.

Article 105**Intercourse through abuse of office**

Sexual intercourse through abuse of office or subordinate relations is sentenced up to three years of imprisonment. (...)

Section VII - Criminal acts against person's freedom**Article 109****Kidnapping**

Kidnapping or keeping as a hostage a person with the intention of enrichment or of ensuring any other kind of benefit, for creating facilitating conditions for committing a crime, to assist hiding and escaping of authors and co-authors of a criminal offence, for avoiding the punishment, for realising the accomplishment of requests or conditions set up, for political reasons or any other reason, shall be punished from 10-20 years imprisonment.

When this offence is committed against minors less than 14 years old shall be punished with not less than 15 years imprisonment. (...)

Article 110a
Trafficking of Human Beings

Trafficking of human beings with the purpose of material profit or any other profit shall be punished by imprisonment from 5-15 years.

When this offences is committed in complicity with others, repetitively or associated with maltreatment and physical or psychological threat toward the injured person to commit different actions or causing serious health impairment is punished with imprisonment not less than 15 years, and when these actions cause the death (of the person) shall be punished with life imprisonment.

Kidnapping or keeping hostage of a person, or of a child under the age of 14, proceeded by or associated by physical or psychological torture, if it is committed against several persons or repetitively shall be punished with not less than 20 years imprisonment, when death is caused, then shall be punished with life imprisonment. (...)

Section VIII - Criminal acts against morality and dignity

Article 113
Prostitution

Prostitution is punishable by a fine or up to three years of imprisonment.

Article 114
Exploitation of prostitution

Soliciting prostitution, mediating or gaining from it is punishable by a fine or up to five years of imprisonment.

Article 114a
Exploitation of prostitution with aggravated circumstances

When exploitation of prostitution is committed:

1. with minors;
2. against some persons;
3. with persons within close consanguinity, in-laws or custodial relations or by taking advantage of an official position;
4. with deception, coercion, violence or by taking advantage of the physical or mental incapability of the person;
5. against a person that has been forced or coerced to exercise prostitution out of the territory of the Republic of Albania;
6. committed in complicity, or is committed more than one time, or from persons who carry state and public function,

it shall be punished from 7 up to 15 years imprisonment.

Article 114b
Trafficking of women for prostitution

Trafficking of women for prostitution with the purpose of material profit or any other profit is punished from 7-15 years imprisonment.

When committed in complicity with others or repetitively or associated with maltreatment and physical or psychological threat to the injured woman to commit different actions or causing serious harm to her health, shall be punished not less than 15 years imprisonment and when death is caused, shall be punished with life imprisonment. (...)

Article 115
Use of premises for prostitution

Keeping, utilizing, financing, and letting of premises for purposes of prostitution, is punishable by fine or up to ten years of imprisonment.(...)

Article 128b
Trafficking of children

Trafficking of children with the purpose of material profit or any other profit shall be punished from 10-20 years imprisonment.

When committed in complicity with others, or repetitively or associated with maltreatment and physical or psychological threat of the (victim) injured to commit different actions or causing serious harm to the health of the injured (trafficked victim), shall be punished not less than 15 years imprisonment, and when death is caused then it shall be punished with life imprisonment. (...)

Article 287
Disposing of proceeds of crime

Disposing, transferring, concealing, obscuring the nature, source, or ownership of property derived from criminal activity, is punishable by three to ten years of imprisonment. (...)

Article 297
Illegally crossing state border

Illegal border crossing of the state borders constitutes a criminal offence and is punished with fine or up to two years of imprisonment and, when it is done for reasons to profit is punished by imprisonment up to 10 years.

Article 298
Assisting illegal border crossing

Providing or using water, air or other means of transportation with the intention of assisting illegal border crossing, is punished with fine or up to three years of imprisonment.

When such assistance is provided for profit, then it is punished with fine or up to seven years of imprisonment.

When commitment of this criminal offence has caused as a consequence the death or serious injuries to one or more persons, then it is punished with not less than 7 years imprisonment. (...)

Article 304
Obligation to report the evidence

Failing to appear promptly to report or testify before the prosecutor, court or organs of public order about evidence that a person knows which exculpates an accused or convicted person from a criminal act, is punishable by a fine or up to five years of imprisonment.
The perpetrator of the criminal act, as well as the individuals who become aware of the evidence because of their capacity and profession and are compelled not to report or testify it are excluded from the obligation to report.

Article 305**False report**

Falsely reporting a crime which has not been committed, or falsely reporting a person who is known that has not committed a crime, as well as fabricating false evidence with the intent of commencing criminal prosecution, is punishable by a fine or up to five years of imprisonment.

Article 307**Refusing to testify**

Refusing to answer questions concerning knowledge of a criminal act or its executor, constitutes criminal contravention and is punishable by a fine or up to one year of imprisonment.

When false testimony is made for embezzlement or any other interest given or promised, it is punishable by a fine or up to three years of imprisonment. (...)

Article 310**Refusing to appear as a witness, expert or translator**

Refusing to appear as a witness, expert or translator, without reasonable cause, or refusal to carry out duties assigned by the organ of criminal prosecution or the court, constitutes criminal contravention and is punishable by a fine or up to six months of imprisonment.

Article 311**Threat to remain silent**

A threat made to a victim of a criminal act to not report, or complain or a threat to withdraw the report or complaint constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

Article 312**Corrupting or threat for false testimony, expertise or translation**

Proposing or giving remuneration, gifts or other benefits, or threatening or committing other violent acts made to a person in order to provide false testimony, expertise or translation or refuse to carry out their duties before the organs of criminal prosecution or the court, is punishable by a fine or up to three years of imprisonment. (...)

Article 333**Creation of an armed gang or criminal organisation**

Creating an armed gang or criminal organisation or participating therein, with the intent of committing crimes, is punishable by five to fifteen years of imprisonment.

Article 334**Crimes committed by an armed gang or criminal organisation**

Committing crimes by an armed gang or criminal organisation shall be sentenced according to respective criminal provisions adding five more years to the sentence given for the crime committed, when the referring provision contains imprisonment and another lighter punishment, but without exceeding the maximum term of imprisonment.

(...)

Law No. 8749 on the Internal Control Service in the Ministry of Public Order (March 2001)

REPUBLIC OF ALBANIA THE ASSEMBLY

LAW Nr. 8749, dated March 1,2001

On the Internal Control Service in the Ministry of Public Order

In reliance on articles 78 and 83 point 1 of the Constitution, on the proposal of the Council of Ministers,
THE ASSEMBLY OF THE REPUBLIC OF ALBANIA DECIDED:

Article 1

The Internal Control Service is created in the Ministry ofPublic Order, under the Minister of Public Order.
The structure of this Service is undivided and it is directed by the Director of the service.

.Article 2

The object of the work of this Service is the prevention, discovery and documentation of criminal activity committed by employees of the State Police and other structures of the Ministry of Public Order.

Article 3

The personnel of this service enjoy the attributes of the judicial police.

The services of the judicial police function in this structure according to law nr. 8677 dated November 2,2000 "On the Organization and Functioning of the Judicial Police."

Article 4

The Internal Control Service in the Ministry of Public Order is a separate and independent police structure in implementation of the law.

The preliminary investigative and verifying activity of this Service is performed , while respecting the constitutional guarantees for human rights and freedoms.

Article 5

For fulfilling its duties, the Internal Control Service has the right to collect, process, keep and verify data about criminal activities, when they are committed by an employee of the State Police of the Ministry of Public Order, regardless of their duties and ranks.

Article 6

During the exercise its duties, this Service has the right to perform verifications in all the archives of the Ministry of Public Order and the State Police.

The rule for utilizing them is specified by normative act of the Minister of Public Order .

.Police authorities are obligated to cooperate with this Service for the implementation of this law.

Article 7

An employee of the State Police or the Ministry of Public Order, when because of duty they become aware that a criminal act contemplated in article 2 of this law is being prepared, is being committed or has been committed by the subjects of the structures contemplated in article 2 of this law, are obligated to notify the Internal Control Service.

Other police structures verify criminal acts committed by employees of the State Police, making this known to the Internal Control Service.

A police authority is obligated to notify the Internal Control Service immediately when it captures an employee of the police in flagrante.

Article 8

The data received by other information services or various state institutions about the inclusion and criminal activity of an employees of the State Police and other structures of the Ministry ofPublic Order are passed to this Service.

Article 9

An employee of the Internal Control Service in the Ministry of Public Order is selected from full-time employees of the police, taking as the basis his honesty, professionalism and knowledge about legislation, with experience of no less than three consecutive years in the sector of verifications and preliminary investigation. He shall not have been criminally punished and for at least three years shall not have received serious punitive, disciplinary or administrative measures in connection with his duty .

The appointment, release, discharge and exclusion from duty is done by the Minister of Public Order on the proposal of the Director of this Service.

Article 10

An employee of the Internal Control Service, after the period designated for working in this service, is sent to another place of work or to another sector, in accordance with his professional abilities and with the requirements of law nr. 8553 dated November 25, 1999 "On the State Police."

Article 11

For the realization of its mission, the Internal Control Service cooperates and exchanges data with the State Information Service and the Information Service of the

Armed Forces and with analogous services of other countries, on the basis of specific agreements, with the approval of the Ministry of Public Order.

Article 12

The Internal Control Service exercises its activity in accordance with this law and with the Code of Criminal Procedure.

The Minister of Public Order or a person authorized by him is responsible for overseeing the activity of this Service. To assure the implementation of the law, the General Prosecutor is informed through a prosecutor designated for the Internal Control Service for police cases of a criminal nature.

Article 13

The Internal Control Service is exempted from the obligations that require publication of documentation and data.

Article 14

The documentation of the Public Order Infiltration Service (SHIR) passes to the disposition of the Internal Control Service.

Article 15

The Minister of Public Order is charged to issue normative acts:

- a) for the organization and functioning of the Internal Control Service;
- b) for the utilization of the archives of the Ministry of Public Order and the State Police by this Service.

Article 16

Law nr. 7530 dated December 11, 1991 "On the Service of Counterintelligence in the Organs of Public Order," amended by law nr. 7882 dated December 1, 1993, as well as every other provision conflicts with this law is repealed.

Article 17

This law is effective fifteen days after publication in the Official Journal.

SPEAKER SKENDER GJINUSHI

Translation by K. Imholz March 1,2001.

LAW

No.8492, Date 27.05.1999

FOR FOREIGNERS

(emphasis added)

LEGISLATIONLINE Notice : see in particular articles 4 (7), article 5 (5), article 7 and Chapter V.

In accordance with articles 78 and 83 point 1 of the Constitution, by the proposal of the Council of the Ministers,

THE PEOPLE'S ASSEMBLY

OF THE REPUBLIC OF ALBANIA

DECIDED:

CHAPTER I

GENERAL DISPOSITIONS

Article 1 Object of the law

This law regulates the regime of entrance, stay, circulation, employment of the foreigners in the Republic of Albania, as well as their exit from its territory.

Article 2 Definitions

For the application of this law the following terms have the following meanings:

"Foreigner" -is every person, who according to the Albanian legislation is not an Albanian citizen;

"asylum seeker" -is every person named as such by law 8432, date 14.12.1998 "On Asylum".

"refugee" -is every person named as such by law 8432, date 14.12.1998 "On Asylum".

"Members of the family" -are:

a) the husband/wife (the validity of the marriage is established according to the law of the country where the marriage was bound);

b) the parents, stepfather, stepmother;

c) children under 18 years old, unmarried and who live with the parents; d) other members of the family who are legally coexisting;

"visa" -is the official authorisation issued by the Albanian authorities to a foreigner, to enter in the Republic of Albania;

"mandatory preliminary request for a visa" -means the request of the foreign citizen to have the visa before he/she presents himself at the border of the Republic of Albania.

"stay permission" -is the document issued to the foreigner to stay in the territory of the Republic of Albania;

"passport for foreigners" -is called the travel document, issued to the foreign citizens by the competent Albanian organs, to make possible the travelling abroad, but which is not proof of the identity of the citizenship;

"work permit" -is called the authorisation issued by the respective competent organ to a foreigner, for reasons of business, employment or self -employment;

"request for asylum" -is the request for the recognition of the status of refugee, according to the international acts generally accepted;

"transporter" -shall be called every physical or legal person who by air, land or maritime ways transports and brings foreign citizens in the Republic of Albania.

"material guarantees" -means the necessary financial sum deposited by the foreign person himself/herself or by another person because of an obligation that can arise as a consequence of an expected action or inaction of the foreign person that goes against the dispositions of this law;

"immigration authority" -implies all those competent respective organs which have duties according to this law;

"resident" -is called the foreign citizen, who disposes a stay permission issued according to this law, by the immigration authorities;

"guarantor" -is called the Albanian citizen or the foreign resident in Albania, who declares by means of a legal document that takes the responsibilities for the stay of the foreigner in Albania and his removal according to the dispositions of this law;

"undesirable person" -means a foreign person, determined as such by the Minister of the Public Order or another instance authorised by him based on the dispositions of this law, whose entrance or stay in the Republic of Albania is considered as if damages the interests of the national security, public security, public health, and moral and other important national interests;

"order of removal" -means the order for the removal of a foreigner from the territory of the Republic of Albania because his/her stay is no longer legal;

"expulsion" -means removal by order, removal by force or banishment; "removal by force or banishment" -means the integrity of the measures for the compulsory removal of the foreigner from the Republic of Albania by the police authorities;

"police" -is the competent authority part of the police structures of the Ministry of Public Order, with the attributes of the judicial police for the contraventions that are established in this law.

Article 3 Basic principles

This law recognises and respects the principles and the norms generally accepted of the international acts, the principle of the reciprocity, the principle of the respect of the human rights, and the interests of the national and public security.

Article 4 Undesirable persons

If not established differently in this law, foreign persons will be considered undesirable and will be refused the request of entrance, visa or stay permission in the Republic of Albania when:

1. they act or make propaganda against the sovereignty, national security, constitutional order and public security;
2. they have been sentenced for crimes for which the law foresees a punishment of not less than 5 years in prison;
3. they are members of terrorist organisations or organisations who violate the constitutional order, as well as when they support actions that are against any organised form of government;
4. they are wanted by international organisations for crimes against humanity, crimes committed in times of war, or other serious crimes;
5. they constitute a threat or infringe the relations of the Republic of Albania with other countries;
6. there are founded suspects that they will enter or stay in the territory of the Republic of Albania to commit a crime, or when they constitute a threat for the State;

7. they are engaged in organised crime, prostitution, traffic of narcotics, illegal traffic of clandestine in the Republic of Albania or their transiting, or in any other illegal traffic.

The prohibition, for the aforementioned persons, to enter in the Republic of Albania is valid for a period not less than 10 years from the date they are declared "undesirable persons".

When the foreign persons have made actions which constitute limitations according to paragraph 1 of this article before they reach the age of 18, have the right to ask from the Minister of Public Order to review their request of entrance, visa or stay permission in the Republic of Albania.

Article 5. Cases of refusal of entrance, visa and stay permission

The request of entrance, visa and stay permission can be refused to the foreigners in cases when they:

1. are users of narcotics;
2. are chronic users of alcohol, or persons who have very infectious diseases;
3. propagate or make propaganda for prostitution or other acts which go against the public moral and are punishable by law;
4. have violated or violate provisions of the Albanian legislation;

5. work without a work permission or accept to employ foreigners without a work permission;

6. have left the country supported by public expenses or have other financial obligations towards the Albanian State or citizens, which have not been fulfilled;

7. are citizens of a State with which the Republic of Albania is in State of war, in conflict, there are serious political tensions, or of a State which is suspected of terrorism against the Republic of Albania;

8. have been expelled and try to enter or stay in the Republic of Albania during the time that the decision of the expulsion is valid;

9. come from epidemic areas and do not possess the full papers of vaccination;

10. do not have a passport or other document, according to the article 9 of this law, in order to clarify their identity and citizenship, or results that they have presented fraudulent documents;

11. have grave psychological problems and are unaccompanied by their custodies.

The cases foreseen in paragraph 1 point 7 of this article are established by special order of the Minister of the Public Order.

For the cases foreseen in this article, exception can be made only on humanitarian grounds.

Article 6 Entrance of minors

Persons under 16 years old may apply for a visa permission or ask to enter in the Republic of Albania with the permission of their legal custodies and accompanied by adult persons. Exception is made for the persons who enter as asylum seekers.

Article 7

Decision taking regarding the foreigners

The decisions regarding the foreigners are taken on bases of the law, known circumstances, or information that can be gathered by the Albanian authorities, taking into consideration the motives of entrance or stay, the means of the foreigner for living in the Republic of Albania, and the reasons for which the foreigner must not enter or stay in Albania.

Every decision or permission regarding the foreigners may be annulled when the reasons on which this decision has been taken do not exist any more, or the conditions on which bases was made possible the issuance of this permission change, or because of the presence of some new factors that do not allow the entrance or stay of the foreigner in the Republic of Albania.

The Minister of the Public Order, in special cases, for important State, national security and, public order interests, can make exceptions with respect the fulfillment of the conditions established In this law by a reasoned decision, taking all the due measures to avoid the negative consequences that this action can bring.

CHAPTER II:

ENTRANCE AND EXIT FROM THE REPUBLIC OF ALBANIA

Article 8. Place of entrance

The persons who enter in the territory of the Republic of Albania are obliged to pass only through the Border and Control Points.

Article 9 Conditions of entrance

The foreigners have to fulfil the following conditions to enter in the Republic of Albania:

1. To hold one of the following documents:

a) passport, or other valid travel document which makes possible the certification of the identity of the citizenship of the person, valid until six months after the entrance in the Republic of Albania, and recognised by the Albanian authorities;

b) identity card for the citizens of those countries, to whom, by by-laws for the application of this law, is allowed the entrance with this document;

c) pass-permissions of the UN and its organisations, Council of Europe, European Union, NATO and other organisations established in by-laws for the application of this law;

d) pass-permission for children under 16 years old.

2. To dispose the permission issued by the Albanian authorities like visa or stay permission. It can be requested to the foreigners to hold even the necessary documents on bases of which the visa has been issued, or that support the motive of the entrance in the Republic of Albania, as established in the acts issued for the application of this law.

The foreign citizens who, on bases of the definitions in the by-laws issued by the Council of Ministers for the application of this law, are allowed to enter in the Republic of Albania without visa, are considered to have the permit to enter into the Republic of Albania.

3. To prove that they dispose sufficient means for living, on bases of which they create the credibility and prove that they will not ask for public funds to ensure their life in Albania. As such proofs will be accepted: touristic circulation ticket, business certificate, business correspondence, export and transport bills, means of living as cheque, credit card, bank certificate, cash, salary certificate, supporting declaration by a guarantor in Albania according to the definitions in the by-laws for the applications of this law, etc.

The requisits of point 3 of this article are not applied to a foreigner who wants to meet members of the family, who are Albanian citizens, foreigners resident in the Republic of Albania, or refugees.

4. The disposal of the visa or of another document that authorises for the entrance of the foreigner in the Republic of Albania, is no longer valid if the foreigner is considered undesirable or is devaluated according to the stipulations in this law.

Article 10 Members of foreign crews

Members of the crew of a transport vehicle that operates with legal bases in Albania, will be liberated from some limitations and requests of this law, according to the rules established by the Minister of the Public Order.

Article 11 Obligation of the readmission

Based on the obligations that arise from the readmission agreements signed by the Republic of Albania, are readmitted the foreigners expelled by other States, who departed from the Republic of Albania.

Article 12 The right to stay in the transit points

In case of refusal of the entrance, the foreigner can stay at the transit of Border Pass and Control Points (BPCP) until the final removal and, in case of complaint or asylum request, as stipulated in this law, until their examination. The examination of the complaint for the cases Stated in this article, has to be made within 48 hours from the refusal.

Article 13 Exit from the Republic of Albania

Every foreigner is free to leave the Republic of Albania, with exception for the cases when:

1. is wanted from the Albanian authorities because he has committed, or is suspected to have committed, a criminal action;
2. wants to leave towards another country and has no visa or permission to enter in that country.

CHAPTER III

VISAS, STAY PERMISSIONS VISAS

Article 14. The request for visa

The foreigners who have to present a preliminary request for visa, have to be out of the territory of the Republic of Albania at the moment of the application.

The request for the visa is presented to the representatives of the Republic of Albania outside the country. If there is no Albanian representative in the country of the applicant or in the country where he/she is a resident, the request can be presented to the Albanian representative in the neighbouring country. If this is also impossible because of the distance, the request can be presented by the interested party at the Consular Directory near the Ministry of the Foreign Affairs of Albania, and the visa is given at the border.

For the children under 16 years old, when they are not provided with personal passport, the visa can be noted at the visa of the parent or of the legal custody, in whose passport the child is registered.

Article 15 Competences of the official of the diplomatic mission.

The official of the Embassy of the Republic of Albania outside the country is entitled to give the approval for diplomatic, service, touristic, medical, business and transiting visa in the following cases:

1. For distinguished personalities of the political, social, cultural, economic life of the country where they are.
2. For foreign delegations that come by an invitation of the ministries or other institutions equal to them, municipalities and prefectures.
3. For urgent humanitarian cases (deaths, accidents or unexpected grave sicknesses). 4. For members of the families (parents, children, sisters, brothers) of the foreign

diplomats in Tirana.

5. For the persons provided with a travel document of well-known international organisations and institutions.

For other cases that are not established above, the official of the Embassy requires first the approval of the Consular Directory near the Ministry of Foreign Affairs, which on its turn has to consult the competent authority near the Ministry of the Public Order.

The competences defined in the first paragraph of this article can be suspended only through a joint order of the Minister of the Public Order and the Minister of the Foreign Affairs.

Article 16 The timeframe, number of the passages, and the length of the stay time of the visa.

The visa contains the timeframe for its use, that means the time limit within which the foreign person has the right to use the visa to enter in Albania. The time limit of the use can be:

1. three months,
2. six months,
3. one year.

The timeframe for the use of the visa begins at the date of its issuance.

In the visa is also established the timeframe of the stay, which goes from 1 to 90 days. The time frame for the stay begins the day that the foreigner enters into Albania. The visas with a timeframe of use of more than three months can be with many passages.

The visa is extended only one time up to the half of the first period by the embassy of the Republic of Albania or the competent authority, stipulated in this law.

The time frame of the use and of the stay, the number of entries and the fee, can vary for citizens of particular countries depending on the reciprocity.

Article 17 The conditions for the approval of the visa

For the approval of the visa the following conditions have to be fulfilled:

1. The foreign citizen must be suitable to enter and stay in the Republic of Albania, according to the definitions in articles 4 and 5 of this law and by-laws for its application.
2. The foreign citizen has to hold a travel document, the validity of which overpasses at least three months the timeframe for the use and stay of the visa.
3. The foreigner states the reason of the visit in Albania.
4. Has sufficient means of living, so that will not ask for public funds.

If the foreigner has been removed before, the authority of the removal must be consulted before the approval of the visa.

Article 18 The types of the visas

The visa can be individual or collective in cases of groups with no less than 10 persons.

The Albanian authorities issue the following types of visas:

1. Diplomatic visa is issued for high diplomats and officials, as well as for private visits of personalities in rank no lower than minister.

The diplomatic visa can be refused only after consultations with the Ministry of the Foreign Affairs. The diplomatic visa is issued for free with the exception of the cases when reciprocity is applied.

2. Service visa is issued for officials or persons that come in the Republic of Albania in the framework of the collaboration with our public institutions.

3. Simple visa that is divided into the following categories:

- a) Tourist visa is given to the foreigners that come to the Republic of Albania for tourism, visits, etc. The timeframe of its use must not pass six months including the extension. The foreigner that disposes this visa is strictly forbidden to work or exercise gainful activity.

b) Studying visa is given to the foreigners who want to follow different courses or schools in the Republic of Albania. The timeframe is established depending on the duration of the studies.

c) Business visa is given to the foreigners who will exercise a gainful activity in the Republic of Albania.

d) Medical visa is given to the foreigners who want to have medical visits or to be treated in the Republic of Albania.

e) Transiting visa that allows the stay only for 48 hours or for one transiting passage, and does not allow the foreigner to work or to exercise activity. This kind of visa can be with one, two, or many passages.

f) A visa with a stay timeframe of 72 hours is given to those foreign citizens who are obliged to present a preliminary request for visa, but that for justifiable reasons present themselves to the Points of Border Pass and Control (PBPC). This visa is given by the authorities of the Local Directory of the Police. The foreigners that take this visa have the right, within this timeframe, to present a request for obtaining another type of visa.

4. A stay visa is given to the foreign citizens who foresee to stay for more than three months in the Republic of Albania.

The visas foreseen by the points 1 to 3 of this article, except for the visa stipulated in point 3 (b), are given only in cases when the foreign persons foresee to stay in the Republic of Albania no more than three months.

STAY PERMISSIONS

Article 19 Conditions to apply for a stay permission

Are entitled to ask for stay permission:

1. foreign citizens who are allowed to enter without visa in the Republic of Albania;
2. foreign citizens provided with a stay visa.

The request for stay permission is presented to the competent authorities at the Ministry of the Public Order. The request is not valid if the foreigner leaves before the decision is taken.

Article 20 Duration of the stay permissions

The stay permissions can be for:

1. three months
2. six months
3. one year
4. five years
5. permanent

A three months, six month, or one year stay permission can be renewed no more than three times consecutively.

A foreign person can apply for a five years stay permission if he/she has had a legal stay for two years consecutively in the Republic of Albania, and has durable connection or activity.

Article 21 Conditions to obtain a stay permission and its renewal

The foreigners can be provided with stay permission if they:

1. fulfil the conditions of articles 4, 5 and 8 of this law;
2. have adequate conditions and means of living;

3. are able to reason the motive of the stay, their adequacy to exercise the foreseen activity;

4. are able to reason their full engagement, as well as the need for this engagement in the activity for which they request the stay permission.

The request for the renewal of the stay permission is presented one month before the end of the timeframe of the existing permission. It is renewed within one month, if the main circumstances for the issuance of the previous permission have not changed.

Article 22 Limitations in the stay permission

The stay permission can be issued even with limitations, taking account of the motives of the stay in the Republic of Albania, that are defined in acts for the application of this law, in the interest of the national security and public order. These limitations can be changed by request of the foreigner, or by the change of the conditions.

The stay permission can be annulled to the foreigner, if he/she stays out of the territory of the Republic of Albania for a period longer than three months, for the holders of one year permissions; six months for the holders of five years permissions, and two years for the holders of permanent stay permission. The foreigners can ask for a longer time frame for stay out of the country, if they make a previous request at the local authorities of immigration.

The Council of Ministers establishes the financial and business conditions for the investors, merchants, businessmen, trade partners and the foreign self-employed, regarding the obtention of the stay permission.

Article 23 Stay permission as result of the family union

A foreigner is allowed to apply for stay permission because of family reunion, if one of the family members is an Albanian citizen, refugee, or foreign resident with a stay permission no shorter than one year .

If the person resident in Albania has more than one spouse, he has to choose only one of them.

It is accepted as a request for stay permission the request of a foreigner for family union for reasons of convivence without marriage with a foreign person resident in Albania, if in the country of one of the applicants the convivence without marriage between two persons of different sexes, is accepted as legal. Family reunion is not considered as an argument to issue stay permission to a foreign person, if the marriage or the adoption is done after an order of removal or decision of refusal for him/her.

Article 24 Conditions for permanent stay permission

A foreign person can request permanent stay permission when:

1. has reasons for family reunion, if a family member is an Albanian citizen or permanent resident. The spouses must have convivence for more than one year in the Republic of Albania;
2. has had a five year stay permission and has permanent connection or activity in the Republic of Albania.

Can request for permanent stay permission also those foreign persons who have contributed to our national interests. The Minister of the Public Order decides if they can be liberated from some limitations or demands for the approval of the stay permission.

CHAPTER IV **WORK PERMISSIONS**

Article 25 Obligation to obtain a work permission

The physical or legal persons who are not Albanian citizens, when they want to work in the Republic of Albania for a timeframe over three months, have to obtain a work permission issued by the Ministry of Labour and Social Affairs.

Article 26 Presentation of the request for work permission

The request for the provision of a work permission is presented in written before the beginning of the job, by filling the respective official forms.

The forms of the requests can be taken at the Directory of Migration, at our Embassies or Consulates outside the country, or near the regional labour offices.

The Minister of Labour and Social Affairs defines the model form of the work permissions, the respective procedures for the reception, renewal and refusal of the work permission, as well as the way of making the request and the necessary documents that have to be presented.

Article 27 Competent organs for the issuance of the work permission

The competent organ for the issuance of the work permissions is the labour office of the local government unit where the foreigner wants to exercise his/her activity.

When the exercise of the activity of the foreigner is made in more than one local unit, the work permission will be issued by the Directory of Migration in the Ministry of Labour and Social Affairs.

Article 28 Place of the exercising of the activity

Unit of the local government where the citizen exercises his/her activity, will be called the one where there is the centre of the enterprise or office where the foreigner is employed or self-employed.

When the foreigner exercises his/her activity in different units, the place of the exercise of the work activity will be the one where the foreigner is paid or where the self-employed has its centre.

Article 29 The request for work permission, when the foreigner has not entered the Republic of Albania.

When the employee lives in a foreign country and is subject of the preliminary request for visa, the request for work permission is made by the employer to the respective labour office.

After the reception of the respective approval, the employer presents the individual documents of the employee, translated in Albanian and notarised, to the Directory of Migration in the Ministry of Labour and Social Affairs.

The Directory of the Migration sends this work permissions at the embassy or consular office of the Republic of Albania in the nearest living place of the employee.

Article 30 Timeframe for the issuance or refusal of the work permission

The timeframe for the issuance or refusal of the work permission is no more than 30 days from the date of the presentation of the documentation to the competent organ. In the cases foreseen in article 29 of this law, this timeframe goes until 60 days.

Article 31 Issuance of the work permission for the first time

For an employment that takes place for the first time, the work permission for the foreigners will be given limited in time.

Article 32 Needs of the market

The work permission will be issued taking account of the developments and the needs of the labour market in the Republic of Albania.

Article 33 Priority in the issuance of the work permission

The work permission will be issued without taking account of the situation and the developments of the labour market and without limitations according the article 34 of this law, if the foreigner:

1. is spouse of an Albanian citizen, possesses a stay permission and all the time that the spouse continues the conjugal life;
2. has finished a State or private vocational high school, recognised as such in the Republic of Albania.

Article 34 Limitations of the work permissions in time and profession

The work permission can be limited or unlimited in time.

The work permission can be limited for the exercise of one certain profession in a certain subject.

The work permission can even be without limitations in the exercise of one certain profession in a certain subject.

Article 35 Extension in space of the work permissions

The work permission, issued according to article 34 paragraph 2 of this law, has validity only in the administrative unit covered by the labour office that has issued its approval.

The work permission issued according to the article 34 paragraph 3 of this law, has unlimited validity in all the territory of the Republic of Albania.

Article 36 Extension in time of the work permissions

The work permission issued according to article 34 paragraph 2 of this law has validity for a timeframe of one year .

The work permission issued according to article 34 paragraph 3 of this law has validity for a timeframe of five years.

Article 37 Types of the work permissions

Work permission of the type A is given to foreigners for a time no longer than six months.

Work permission of the type B is given to the foreigner to be employed in a certain profession, in a certain geographical area, by a certain employer.

Work permission of type B is given for a one year period.

This kind of work permission can be renewed for a one year time frame, when the main circumstances of the issuance of the previous work permission have not changed.

Work permission of type C is given to the foreigners resident in the Republic of Albania, who have obtained work permission of type B, the total validity of which reaches the minimal time frame of three years, during a uninterrupted period of living.

Work permission is given to the foreigners to be employed in any activity and in all the territory of the Republic of Albania, without limitations to certain employer. This type of work permission is given for a five year timeframe.

Work permission of type D (permission of self-employment) is given to the foreign self-employed persons, limiting their activity to a certain geographical area. The duration of this work permission is one year with the right of renewal.

Work permission of type E (permission of self-employment) is given to the foreign self-employed persons for any kind of activity and without geographical limitations, who have obtained consecutive work permission of type (D), the validity of which has the minimal timeframe of three years. This work permission is valid for a timeframe of five years.

Work permissions of type F (for students) is given to the foreign persons who study in Albania for the current school year. This work permission is given only for reduced working hours during the school year and for full working hours during the holidays between the academic years or semesters.

Work permission of type G is given to the foreigners who invest in the Republic of Albania and employ no less than two Albanian citizens for each foreign person employed. The timeframe of this permission is one year with the right of renewal.

Work permission of type H is given to the foreigners who had before consecutive permissions of type G, validity of which reaches the minimal time frame of three years. Work permission of type H is given for a five years timeframe.

Article 38 End of the work permission

The work permission ends when:

1. the timeframe for which it has been issued is expired;
2. the foreigner leaves the territory of the Republic of Albania for a period of more than six months.

Article 39 The renewal of the work permission

The request for the renewal of the work permission, except for the seasonal work permission, is made one month before the end of the of the timeframe of the existing permission. It is renewed within one month if the main circumstances of the issuance of the previous work permission have not changed.

Article 40 The replacing document of the work permission

In cases when the work permission is lost or damaged, it is replaced with a new work permission.

For the period during the which is performed the procedure of the renewal of the work permission, the foreigner will be provided with a temporary work permission, with a validity from the time of the consign of the old work permission until the provision to the foreigner with a new work permission.

Article 41 Exclusions from the obligation of the provision with the work permission.

Are excluded from the provision with the work permission, the following categories:

1. the representatives of the diplomatic missions of the international organisations with a diplomatic status, as well as foreigners who are employees of these missions;
2. representatives of the non-governmental organisations that do not follow scopes of profit;
3. executive directors and important employees of foreign companies which have activities or which intend to open activities in Albania;
4. employees and other professionalists of a foreign company, who come to work in the branches or filials of this company in Albania;
5. specialists that come in the framework of bilateral and multilateral agreements; 6. the personnel of the interboundary transport of people and goods;
7. lecturers, members of the scientific staffs, teachers of the universities, members of the scientific staffs, private scientific organisations, if there is a public interest because of their special knowledges;
8. representatives of the mass-media, correspondents or reporters, who work for a foreign employer;
9. students of the universities who take part in a work exchange during the summer holidays as result of the respective agreements.

Article 42 Other exclusions from the obligation of the provision with work permission

It will not be counted as working in the Republic of Albania the person who is employee of a foreign corporation, conserves his residence out of the Republic of Albania, and performs here for a time no longer than six months, the following activities:

1. Negotiates for a foreign company, reaches agreements or looks after a pavilion in a fair.
2. Works in the field of transport.
3. Installs the machineries or the constructions that are delivered by a foreign company, does the service and the reparation of the machineries, as well as the training of the Albanian or foreign employees for their use.
4. Does the training for the use of a machinery, construction or other object, which have been bought from a foreign corporation.

Article 43 The reasons of the refusal of the issuance of the work permission

The work permission will be refused if:

1. the situation of the Albanian market of labour does not permit this employment;
2. the relations and the conditions expressed in the contract do not fulfill the demands of the Albanian legislation, as well as those of the international conventions;
3. the information and the documents requested are intentionally left unfulfilled or are false;
4. the foreign or Albanian employer does not fulfil the obligation to communicate the free place of work, according to article 21 of law 7995, dated 20.09.1995 "For the encouragement of the employment";
5. the foreign employer does not present the request within the timeframe established in article 38 of this law for the renewal of the work permission;

6. there are important reasons that constitute danger for the security of the Republic of Albania.

Article 44 Appeal

In case of refusal of the work permission the interested person is notified in written.

Within five days from the date of the notification of the refusal, he can complaint in written to the Minister of Labour and Social Affairs, who gives its decision within two weeks from the reception of the request.

Article 45 Sanctions

The sanctions for the violation of the dispositions of this chapter are decided according to law 7986, dated 13.09.1995 "For the State Inspectoriat of the Labour".

CHAPTER V

FORCED REMOVAL, RIGHTS AND OBLIGATIONS EXPULSION OUT OF THE TERRITORY

Article 46 Removal order

The expulsion out of the territory of the Republic of Albania is done: 1. when there is a final court decision;
2. when the visa is rejected;

3. when its usage and stay pennission tenn is over;

4. when the validity of the stay pennission is rejected or finished.

For the cases foreseen in the provisions of this article, the competent authority in the Ministry of Public Order issues the order of expulsion.

Article 47 Expulsion (forced removal)

The foreigner will be expelled (removed by force) by a special order of the authorities of the Ministry of the Public Order when:

1. has not left or there are grounded doubts that will not leave the Republic of Albania, according to the provisions of this law;

2. has entered or is staying illegally in the Republic of Albania;

3. is expelled from another State and is newly accepted by the Albanian authorities according to the obligations or signed agreements.

Article 48 Place of removal or expulsion and the right of appeal

The foreigner is removed or expelled to the country where he/she has come from, to the country of birth, to the country where he/she has the habitual residence, or to another country that accepts the foreigner.

Against the removal or expulsion decision, the foreigner can make an administrative appeal and an appeal before the court.

Article 49 Cases of exception from expulsion

No foreigner citizen, who has the refugee status or during the examination of the asylum request, will be removed out of the borders of the Republic of Albania towards another country, where his/her life or freedom is threatened because of race, religion, ethnic belonging, political convictions or membership of a particular social or political group.

Also it will not be removed out of the borders of the Republic of Albania those foreign persons for whom there are reasons to believe that his/her life is threatened in the country where he/she will be expelled to.

Article 50 Cases of expulsion by order of the Minister of the Public Order

There can not be expelled without the order of the Minister of Public Order the foreign persons that:

1. have been residents in Albania from the age of six;
2. have permanent stay permissions;
3. are members of families of Albanian citizens or permanent residents and have at least one year of convivence;
4. have resided and exercised activity in the Republic of Albania for more than five years;
5. are work invalids;
6. are refugees.

Article 51 Postposal of execution of removal order

The execution of the removal order is postponed until the preparation of the travel documents, visa, etc, as well until the ending of the procedure of the appeal, if the foreigner has made it within the timeframes and the conditions foreseen in this law.

The postposal of the execution of the removal order for more than 45 days is allowed only by decision of the court that is examining the foreigner's request for the review of the decision.

Article 52 Immediate execution of the removal order

The foreigner can be subjected to the immediate execution of a removal order, despite of article 56 of this law, or is expelled for reasons of security, when:

1. has been punished by a final court sentence for a criminal act;
2. the permission has been rejected on bases of articles 4 and 5 of this law;
3. has not left on expire;
4. has no means for residing and living;
5. has no passport or other identification document;
6. has declared that will not leave despite of the decision of the competent organs;
7. has cheated with the documents, or has falsified documents;
8. there are grounded doubts that he/she will leave in an unknown direction;
9. the reasons presented by the foreigner for the reviewing of the decision are on abusive bases.

The advanced execution of the removal order is commanded only by the Minister of the Public Order when it is considered the stay of the foreigner constitutes an immediate danger for the Republic of Albania.

The removal, or the immediate execution of the removal order is not ordered, or is suspended if such a one is given, when the foreigner presents grounded reasons that this order may constitute violation of the agreements or international acts, undersigned by the Republic of Albania.

For cases determined in the third paragraph of this article, the foreigner has to present within three days the request for the order review, which should be examined by the respective authority in the Ministry of the Public Order, no later than 8 days from its presentation.

Article 53 Removal of the foreigner in cases when has committed penal act

The appeal procedure against the removal order of a foreigner that has committed a penal act must end within the period that the foreigner is kept detained or under other security measures.

Article 54 Content of the removal order

The removal order determines:

1. the term within which the foreigner must leave the Republic of Albania;
2. the term within which the foreigner is forbidden entrance and stay in the Republic of Albania, making even the note in the passport;
3. Border Check Point from where the foreigner will leave;
4. the authorisation of the immediate execution;
5. taking of the finger prints.

Article 55 Execution of the removal order

The removal of the foreigner, to whom the removal order is given, is done by the police.

To cover the travel expenses, if necessary, the police authorities can block the money or other foreigner's means.

Article 56 The administrative and judicial act

The removal order, the refusal of any request, disciplinary measures or penalties, can be appealed before the administrative organs or before court, according to the stipulations of this law. The appeal of the foreigner at the administrative level is examined in a higher instance than the one that examined the matter first. During the examination of the request a consult is done with the organ that issued the removal order or the refusal decision. Except cases of the visas, for the review of a decision that has rejected the issuance of the stay permission, the foreign person pays 50 % of the tariff determined for the stay permission.

Against the decision of the refusal, or the removal order, given after the examination by the administrative organ, appeal can be done before the court within 8 days after the most recent decision, if the foreigner has been legally staying no less than one year in the Republic of Albania.

The persons for whom the removal order is given by an order of the Minister of the Public Order for the reasons determined in article 4 of this law, have no right to appeal before the court, except concerning the place of destination. Before giving such an order, the Minister of Public Order consults with the Consulting Committee for Foreigners. The foreign person object to this order, is given notice one week before his case is examined and is given the possibility to do the presentation of his case, to present complaint and arguments against this order to the Minister of the Public Order .

The examination of the foreigner's complaint suspends the execution of the removal order for the foreigner and his family, except the cases determined in article 52 of this law,

When the foreigners are given stay permission because of family union, only the main applicant can complain. Also, children over 18 who do not reside with him, as well :as the spouse who is divorced before the refusal or removal decision.

For matters of immigration for which appeal before the court is made, the rules foreseen by the Civil Procedure Code will be applied. Although, because of the character of these cases, the examination in all the instances of the court can not take more than 45 days (30 days in the district court and 15 days in the court of appeal).

Article 57 Appeal for the refusal of the entrance at the border

In cases of refusal of entrance at the border, the foreigner has the right to appeal only after he leaves the territory of the Republic of Albania except cases when:

1. he comes from countries which citizens do not need any visa to enter in Albania; 2. he has visa;
3. he asks for asylum.

For cases mentioned in items "1" and "2", the foreigner's complaint is examined within 48 hours.

Article 58 Obligation of the foreigner to prove that he is suitable to enter

When a foreigner has done a request for entrance or stay in the Republic of Albania, he is obliged to prove that he is suitable to enter and to stay in the Republic of Albania under the provision of this law. If he can not prove such a thing, the requested permission can be rejected.

When a foreigner has entered in the Republic of Albania he is obliged to tell from which point he entered as well as the time and the way of entrance. If he does not fulfil these obligations by proofs, it is considered that he has entered Albania illegally.

Article 59 Rights and prohibitions for certain activities

The foreigners can be engaged in social, political, economical, cultural and beneficent activities only in accordance with the Albanian legislation in power. This activity is not allowed to them if:

1. infringes the national security or the public order;
2. infringes the interests or the relations of the Republic of Albania with other States; 3. puts in danger or damages the relations between the Albanian and the foreigner citizens, or between different groups of foreigners in the territory of the republic of Albania;
4. instigates or applies the use of the violence as a means to reach political, religious interests, etc.

Article 60 Notification of the relevant authorities by the judicial and the administrative organs.

The administrative and judicial organs shall notify, according to the case, those State authorities that overtake duties for the application of this law, for the following cases: 1. For general reasons of exclusion, defined in article 4 and 5 of this law.

2. For the opening of a process, decisions, measures, sentences, limitations or obligations for the foreigners.
3. When the stay or the employment of the foreigners is illegal. 4. For the violation of a certain legal limitation.

Article 61 Notification of the police by other subjects

The hotels, boarding houses, as well as other premises of this nature are obliged to keep the record of the foreign persons that they shelter, according to the rules established in the by-laws.

The personal data of a foreigner taken from a doctor or from other physical or legal persons, have to be communicated immediately to the police without the request of this last, when they realise that:

1. the foreigner puts in danger the public health and the protective measures for the avoiding of the consequences can not be fulfilled by the foreigner;
2. are connected with reasons of exclusion, established in article 4 and 5 of this law.

Article 62 Notification in case of detention or arrest of the foreigner

In case of detention or arrest, the authorities of the Ministry of Public Order notify the diplomatic or consular mission of his/her country, or the Office of UNHCR if he/she is a refugee or stateless person.

The notification may not be done, only when an order of the Minister of Public Order is issued for strong reasons of national security or reciprocity reasons.

Article 63 Rights of permanent residents

The pennant residents are not registered at the police but at the civil status office, and if they fulfil the criteria, are provided with identity card and passport for foreigners.

The pennant residents can be employed or exercise activity without the need of being provided with a work pennission.

The pennant residents have the right for education and social insurance equally as the Albanian citizens.

Article 64 Obligation of the foreigner to give information

The foreigner can be requested to give infonnation connected with the motive of entrance, stay, and activity in the Republic of Albania, as well as other infonnation that is considered necessary to clarify that the foreigner is not included in the prohibitions foreseen in articles 4 and 5 of this law. The non-appearance or the refusal to fulfil the aforementioned demands may constitute a reason for the refusal or the annulment of as pennission or visa issued.

Article 65 Responsibility of the persons that transport the foreigners

The person that has made possible the entrance of a foreigner in the Republic of Albania against the dispositions of this law, is obliged to pay the expenses for the return of the foreigner in his country of origin, to the State that has issued the passport to him, to the State from where he was transported, or to another State where the foreigner has the necessary pennission to enter from the authorities of that country.

The owner or the possessor of the vehicle will not be given the license, or will be withdrawn, if he has it, if he does not liquidate the obligation as above within 6 months from the time of notification. Such an obligation is annulled if the foreigner is provided with a stay pennission or is given the status of refugee.

The owner or the possessor of a transport vehicle is obliged to present before the Ministry of the Public Order the full and exact list of the foreign persons that he transports.

CHAPTER VI

DISPOSITIONS ON ADMINISTRATIVE ASPECTS

Article 66 Registration at the police

Are registered at the police only the foreigners that intend to stay in Albania no less than one year, and when there are absence intervals to a maximum of three months. The registration is done not later than 10 days after the entry in the Republic of Albania. Despite of the stipulation in this paragraph, for reasons of national security and public security, the Minister of the Public Order can order the registration at the police.

Are registered at the police only by order of the Minister of the Public Order the following persons:

1. the religious persons; 2. members of a crew;
3. foreigners engaged in public institutions.

Are not registered at the police: 1. persons under 16 years;

2. personnel of the foreign missions and the employed by the foreign diplomats.

The registration at the police includes the data for the foreign person according to the definition in the by-laws, as well as the finger prints.

Article 67 Card for the foreigners

The Ministry of the Public Order will provide with a card for foreigners to the foreign persons over 16 years old who are resident in Albania for more than one year .This card is renewed every year. For the foreigner that does not possess and can not be provided with a passport for the foreigners, is sufficient the card of the foreigner in the territory of the Republic of Albania.

Article 68 Passport for the foreigners

The rules to provide the foreigners with a passport for foreigners, are established by the Minister of the Public Order. The dispose of such a passport, even when the foreigner leaves temporarily the Republic of Albania, gives him the right to return within the period of validity of this document. The limitations for the movements with these passports are the same then the limitations applied for the Albanian citizens.

The passport for foreigners is valid for two years. Are entitled to be provided with this passport:

1. the foreigners with a permanent stay permission; 2. the foreigners with a refugee status;
3. the foreigners with a five year stay permission, or the foreigners of Albanian origin with a temporary permission, who have respected the laws and the rules in power and who have no possibility to be provided with passport or travel document from the State of origin or from any other State.

Article 69 Replacement of lost documents

The loss of the passport for foreigners, identity card or any other document issued by the authorities of immigration, shall be notified within 24 hours at the issuing authority or at the local police. The foreigner can be provided again after two months with the aforementioned documents, if verifies that the loss has happened for justified reasons.

In case of loss outside the State of the passport for foreigners issued by the Albanian authorities, the Albanian mission outside the State is authorised to provide the foreigners with a pass permission to return to the Republic of Albania, upon confirmation of the immigration authorities for the issuance of this pass permission.

The foreigner has also to notify within three days the loss of other documents issued by the country of origin or another State.

Article 70 Administration of irregular documents

The passports or the suspected or falsified documents, or the passports that can be regular but are not held by the due persons, can be blocked and, except for the falsified documents which are confiscated, are sent to the organ that has issued them through the Ministry of the Foreign Affairs.

The authorities of the Ministry of Public Order can block the passport of the foreigner for the clarification of the doubts for violation of the dispositions of this law. The passport is taken away from the foreigner by means of a formal decision certified by a certification issued to the foreigner for this reason. The foreigner has the right to complain only against the decision, as result of which the passport was taken.

The passport can be blocked, according to the definition in this article, until the beginning of the legal or administrative procedures and is given to the competent organs for these procedures. At the end of these procedures, the passport is given back to the foreigner if: I. it is regular;

2. the ulterior stay of the foreigner in the Republic of Albania will be considered legal;

3. the fine was paid or the sentence was suffered.

The card of the foreigner, the stay permission, the work permission, the passport for the foreigners are taken away to the foreigner if they have been declared not valid.

In case of expulsion, the regular passport is given back only at the moment of the departure from the territory of the Republic of Albania.

Article 71 Duties of the authorities of the Ministry of Public Order and of the Police.

The authorities of the Ministry of the Public Order are responsible for the treatment of the foreigners, the issuance of the stay permission, and the issuance of the identity or travel documents of the foreigners according to this law.

The organs of the police at the border have the responsibility of the issuance of the visa at the border, the refusal of the entrance, the return of the foreigners, the annulment of the visa, the prohibition of the departure and other measures regarding the procedures for the foreigners assigned them by the dispositions of this law and the acts for its application.

Article 72 The Counselling Committee for the Foreigners

The Council of Ministers for the issues relating to the foreigners, shall nominate a Counselling Committee for the Foreigners composed of 5 persons. It is recommended for the Head of this Committee to be a well-known lawyer; the Council of Ministers appoints him/her. The employees of the Council of Ministers can not be members of this Committee.

The Committee has the right of requesting from every person information that serves to the exercise of the functions defined on this law. It makes analysis and gives recommendations for the policies followed for the foreigners and their State in the Republic of Albania. This Committee follows the implementation of this law and gives recommendations to the Minister of Public Order.

Article 73 Report of the Minister of Public Order before the People's Assembly

The Minister of Public Order periodically shall report before the parliamentary commissions. He communicates to them the number, citizenship and nationality of the foreigners who have entered and left, how many of them have obtained stay permission or refugee status, the number of the foreigners that are supposed to have entered illegally and the numbers of those who have left, the number of the foreigners that have been subject of an immediate execution of a expulsion order, the number of the removed or expelled foreigners who according to this law have not had the right of appeal at the court, on the consequences and the effects that different elements of emigration have had relating to the order, public security, economic development, social and human field, and the recommendations for the policy that will be followed in the future.

Article 74 The control of the foreigners

The control of the foreigners who seek to enter or stay in the Republic of Albania is done by the police, which has the right to:

1. ask for information on the entrance and the stay of the foreigner in Albania, for the motive or the activity that will perform, the period of staying, facts related to the adaptability of the foreigner for the stay in the Republic of Albania, and other cases related to the implementation of this law;
2. retain the documents of the foreigner, including the passport, to verify the identity and the citizenship of the foreigner or for other reasons related to the fulfillment of the conditions of the foreigner to enter and stay in the Republic of Albania.
3. verify documents when their credibility is in doubt and when it is necessary can appoint experts;
4. if it is necessary, ask the foreign missions in Tirana or the Albanian representatives abroad, the verification of the identity or any other document presented by the foreigner;
4. do the physic control of the foreigners.

Every foreigner, besides the persons stipulated in paragraph 2 of article 66 of this law, must present themselves to the police for inspection. When a foreigner tents to avoid it, he will be subdued to an accurate control.

Article 75 The measure of the forced accompainment

The police has the right to take the measure of the forced accompainment of the foreigner or the placement of an asylum seeker in the transit center for foreigners, if

1. The foreigner does not manage to convince the competent authority on the legitimacy of the entrance and stay in the Republic of Albania, on his identity, or that he has a residence or disposes life means;
2. it is necessary as a measure for guaranteeing the expulsion of the foreigner, who is expecting the examination of the admission or appeal to a given decision and could escape to a possible decision of removal or expulsion;
3. he has refused to be removed or has declared that will not move, even when his stay in the territory of Albania is not legal;
4. he has been hiding or avoiding from the expulsion or removal order .

Article 76 Obligations and limitations for the foreigners

The foreigner's residence or circulation in a certain area will be limited for reasons of public or national security as it is established in the by-laws.

The foreigner must notify any change of his address within three days.

The foreigner must subdue to the financial control from the finance authorities or other controls authorised by the authorities of emigration, according to the procedures defined by this law.

The foreigner must keep with him and show to the competent authorities the card of the foreigner when this is requested.

The Minister of Public Order can request to the foreigner :

1. to notify the competent authorities within a defined period of time after his arrival in the Republic of Albania according to the Statements of the acts for the application of this law;

2. to present himself periodically to the police authorities, if its director considers it as necessary in interest of the public security or national security.

The foreigners with permanent stay permission and refugee status, are excluded from the above mentioned obligations.

Article 77 Administrative contraventions

There will be considered as administrative contraventions, and will be punished with fine, the following cases:

1. the foreigner contradicts or does not fulfil the requests of the authorities for verification of identity, citizenship or regarding other issues according to this law and the acts for its application.

2. the foreigner obtains or uses visa, permission, documents, card in function of entrance, stay or departure, that have not been issued or have not been intended to be used by this person;

3. the foreigner pretends for abusive reasons that he is an Albanian citizen or presents himself under a false identity or citizenship;

4. the foreigner does not consign until 60 days after the notification of the annulment or the devaluation by the organs of the immigration of a foreigner card, stay permission or work permission;

5. the foreigner presents false data for the registration, makes a false declaration in an application for entrance or stay permission in the Republic of Albania, with the aim to ensure the obtention of such permission for himself or for someone else;

6. the foreigner breaks the timeframes established in this law, does not notify or inform on questions established in this law;

7. the foreigner does not hold a passport or identity document, except for the foreign persons that are asylum seekers;

8. Albanian or foreign persons accept to give shelter or support to foreigners, against the dispositions of this law, without reporting at the immigration authorities, that do not keep the register of data for the foreigners, according to this law and the acts for its application; or that do not give the data to the inspectors assigned with the application of the dispositions of this law; or keep and abuse with the passport of the foreigner;

9. the foreigner losses the passport for the foreigners or the documents issued by the authorities of immigration and does not notify within the foreseen timeframe;

10. the foreigner does not present himself for an examination at the State sanity inspector within 10 days after the notification of this request by the competent organs;

11. the foreigner exercises different activity from the one for which he/she has taken the permission from the competent organs, or stays in the Republic of Albania for a different motive from the one for which the visa or the stay permission has been issued;

12. State organs, public, judicial or physic persons do not notify on what is established in the dispositions of this law;

13. the carriers do not report or do not present in full and exact way the list of the personnel and of the voyagers;

14. the parents or the legal custodies do not fulfil their legal responsibility regarding the dispositions of this law for the children under 16 years old;

15. the foreigner enters in the Republic of Albania or leaves from it in contradiction with the dispositions of this law or of the acts for its application;

16. the foreigner leaves to an unknown direction, leaves without notifying from the transit center for the refugees or tries to escape from the execution of an removal or expulsion order .

The violations foreseen in the points of this article are sentenced with a fine from 10.000 to 200.000 leks by the police, according to the definitions that will be made in the acts issued for the application of this law.

The examination of the administrative contraventions, the appeal against the decisions of punishment, and the execution of the sentences is made according to the law no.7697 , dated 07.04.1993 "For the administrative contraventions".

Against the decision on the fine it can be presented an appeal at the direct higher administrative organ or at the District Court, the decision of which is final.

FINANCIAL ASPECTS

Article 78 Payment of the warranty for the forefingers

If it is suspected that the foreigner who asks for a visa or stay permission, can become a public burden, the visa or the stay permission can be issued after the foreigner or his guarantor in Albania has paid the warranty in bases of the definitions in the by-laws for the application of this law.

The warranty is paid at the immigration authorities. This sum is given back to the foreigner within four days if he is provided with stay permission, or leaves within the legal timeframes from the Republic of Albania. The Minister of the Public Order can decide this sum to be blocked until the end of the timeframe of a usual stay permission, but no longer than one year from its deposit.

The Minister of Public Order and the Minister of Finance establish every year the financial limits as minimum income for a foreigner, day limit for a tourist or visitor, etc.

Article 79 Taxes for the entrance of the foreigners

The foreigners that enter in the territory of the Republic of Albania pay taxes for all the administrative services according to the Albanian laws in power.

Article 80 Use of the income obtained from the tariffs of the foreigners

The income taken according to the definitions in this law is deposited in the account of the treasure and their use is subject to the rules and principles of the organic budget law.

Article 81 Expenses for the return of the foreigners

The expenses for the return of the foreigners include:

I. The trip of the foreigner until the destination.

2. Administrative expenses for the measures regarding the removal or the expulsion

of the foreigner, the expenses for translation, shelter, food and other furnishings; 3. The expenses that can be necessary for an administrative accompaniment

including the personal expenses;

The expenses for the return of a foreigner can be paid by: I. the foreigner;

2. the guarantor in Albania;

3. the transporter, if the foreigner was transported to enter against the dispositions of this law;

4. the employer, if he has employed against the dispositions of this law.

~ .The foreigner can be sent back with the expenses of the State which have to be reimbursed in the earliest opportunity according to the dispositions of this article. The immigration authorities shall take the necessary measures against the responsible persons blocking them money, bank documents, tickets or other things of value according to the definitions in the acts for the application of this law, up to the necessary amount to ensure the coverage of the costs established in the first paragraph of this article.

Article 82 Administration of the data regarding the foreigners

The data or the information gathered, regarding the status and the situation of the foreigner, or in the function of the application of this law, can be passed to other

organs of the State or foreign organisations by an authorisation of the Minister of the Public Order. He may not give or may limit what above for the interest of national security or public security .

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The informations defined above shall not be passed to other organs or persons if they infringe the private life of the foreigner and are not essentially linked with the scope of the application of the dispositions of this law.

Article 83 Acts for the application of this law

The Minister of Public Order has to prepare and present to the Council of the Ministers the by-laws establishing the rules for:

1. the application, conditions to be fulfilled, examination, approval and refusal, duration, the appeal and the re-examination of the request (even the representation of the authorities to the court) for visa, stay permission, request for asylum, entrance at the border, documents, proofs and information required;

2. the obligation of the registration at the police, the provision with the card for the

foreigner, passport and other document, rules of the issuance, extension of the timeframe, loss and reprovision;

3. administration and keeping of the data by the hotels, etc, as established in this law; 4. inspection at the border and in the field, administrative punishments, security

measures in cases of removal, detention or stay at the transit stayplace for the foreigners, the rules of the administration of this centre, the control, the verification and the blocking of the documents of the foreigner;

5. the form of the visa and of the stay permission.

The Minister of Public Order establishes the rules for the examination or the interview of the foreigners, notification of all the foreigners or of the interested parties, and other issues assigned by the dispositions of this law.

The Minister of Public Order by the proposal of the Counselling Committee for the Foreigners, shall prepare and present to approval before the Council of the Ministers, the by-law with the definition for the countries whose citizens are free from the obligatory previous request for visa or take the visa at the border, as well as for the countries whose citizens are free from the obligation to present a passport at the border.

The Minister of the Foreign Affairs shall prepare and present for approval to the Council of the Ministers the by-law for the provision of the diplomatic and consular personnel, accredited in the Republic of Albania, with diplomatic visa and stay card.

The Minister of Labour and Social Affairs shall prepare and present for approval to the Council of Ministers the by-law for the issuance of the work permissions and the inspection of the questions regarding the employment of the foreigners and the exercise of the business activities.

Article 84 Timeframe of approval of the by-laws

The Council of the Ministers is assigned to approve the by-laws established in article 83 of this law within three months after the entrance in power of this law.

CHAPTER VII **FINAL DISPOSITIONS**

Article 85 Abrogation of the dispositions of the "Law on Migration"

The dispositions regarding the immigration foreseen in the law no.7939, dated 25.05.1995 "On Migration" are abrogated.

Article 86 **Entrance in power of the law**

This law enters in power **15** days after the publication in the Official Paper .

Declared by the decree no.2394, dated 18.06.1999 of the President of the Republic of Albania, Rexhep Meidani

Law

Nr. 8663 date 18.9.2000

For the registration, the manner of use and the control of motor-powered navigational conveyances under 20 tons net weight

LEGISLATIONLINE Notice : several provisions of this law such as articles 17, 18 and 30 are potentially relevant to the prosecution of traffickers.

In reliance on articles 78 and 83, paragraph 1 of the Constitution and upon the proposal of the Council of Ministers,

The People's Assembly

of the Republic of Albania

decided

PART ONE

ARTICLE 1

(Purpose)

This law regulates the manner of registration, classification, use and control of motor-powered navigational conveyances with a Register Net weight of less than twenty tons (20NT) and aims at regulating the use and insuring the control of these means.

ARTICLE 2

(Definition of navigational conveyance)

Within the meaning of this law, a navigational conveyance is a motor-powered navigational conveyance under 20 NT which has a total power of motor(s) of more than thirty kilowatt/hours (KW) or 40.8 horse/power (HP), classified on the basis of the Albanian Naval Registry or the counterpart registers of other states.

ARTICLE 3

(Area of application)

1. This law applies to the navigational conveyances, object of this law, that can be used on seas, lakes and rivers.
2. This law does not apply to navigational conveyances that are used by armed forces, the offices of the port commander, police forces, customs organs or other organs established by law.
3. This law does not apply to those navigational conveyances exclusively designated for fishing on which other laws in force are applicable.

PART TWO

ARTICLE 4

(Compliance with norms on navigation)

Navigational conveyances shall comply with the norms of navigation on the seas, lakes, and rivers, including those regarding life-saving equipment, illuminated signals for navigation at night, and tools of radio communication synthesized on the frequencies of maritime aid.

ARTICLE 5

(General obligation)

The navigational conveyances object of this law shall in any case:

be matriculated with the Office of the Port Commander or its dependent Offices of lakes and rivers, which are competent for the territory;

be registered with the Office of the Border Police, which is competent for the territory.

ARTICLE 6

(Procedures for the matriculation and issuing of a license of navigation)

1. The request for matriculation shall be presented by the owner or co-owners of the navigational conveyance within five days from the acquisition of the right to ownership of the navigational conveyance, and shall specify the intended purpose of the use of the conveyance itself, with attached the documentation issued by the Albanian Naval Registry.
2. The Office of the Port Commander or the dependent offices of lakes and rivers, which are competent for the territory, upon the verifications provided in the legislation on navigation, undertake the matriculation and issue the license of navigation according to the model approved by decision of the Minister of Transport.
3. The matriculation number and the name of the navigational conveyance shall be visible.
4. The characteristics of the matriculation number and the name of the navigational conveyance are determined upon decision of the Minister of Transport.
5. A license of navigation, and only one, shall be issued to the person concerned within five days of the submission of request. In the license the generalities of the owner or the potential co-owners shall also be stated.

ARTICLE 7

(Procedures for the registration with the Office of the Police)

1. The request for registration shall be submitted to the Office of the Border Police, which is competent for the territory, by the owner or jointly by the co-owners of the navigational conveyance within five days from the issuing of the license of navigation.
2. The request shall include the purpose of use, which shall correspond to that in the document issued by the Albanian Naval Registry.
3. The following documents shall be attached to the request:
 - a license of navigation;
 - a driver's license issued by the General Port Commander's Office to the owner or co-owners, or to a potentially different person as provided in letter "c";
 - a potential written authorization, temporary or permanent, attested by a notary, with which the owner or co-owners authorize a different person to pilot the navigational conveyance;
 - the written declaration stating the permanent place of location of the navigational conveyance;
 - the criminal certificate of the owner and co-owners, as well as that of the potential pilot in the case of letter "c".

ARTICLE 8

(Territorial competence)

1. Territorial competence according to article 5 is determined on the basis of the permanent location of the navigational conveyance.

2. Territorial competence pertains to the Office of the Port Commander for navigation in the sea, whereas it stands with the dependent offices on lakes and rivers for navigation on lakes and rivers.

ARTICLE 9

(Certificate of use)

1. Within five days from registration, the Office of the Border Police issues to the owner or co-owners the certificate of use of the navigational conveyance, of which the model is approved by the Minister of Public Order.

2. In the certificate of use shall be stated: the complete data of the owner, co- owners and the potential authorized pilot; the number of matriculation and the name of the conveyance; the type and cargo capacity; the number of persons that can be transported; the permanent place of location; and the purpose of use of the navigational conveyance.

ARTICLE 10

(Exhibition of documents)

The license of navigation, the certificate of use, the valid identification document, the driver's license, and a copy of the declaration, provided in paragraphs 1 and 2 of article 14 should always be kept on board during navigation and exhibited in cases of control upon the request of the competent authorities.

PART THREE

ARTICLE 11

(Importation)

1. Whoever imports a navigational conveyance, object of this law, besides the provisions of customs procedures, is obliged within twenty-four hours of the arrival of the conveyance to submit a written declaration to the Office of the Border Police that is competent for the territory, indicating his personal generalities and residence, the place of location of the conveyance, and the data of the owner or co-owners.

2. Within five days of the importation the owner or co-owners shall matriculate the navigational conveyance, according to the procedures provided by article 6 of this law.

ARTICLE 12

(Possession and holding)

1. Whoever possess or holds, at whatever title, a navigational conveyance or parts of it, shall submit, within twenty-four hours from the acquisition of the possession or holding, a written declaration to the Office of the Border Police that is competent for the territory, indicating his personal generalities and residence, the permanent place of location, and the data of the owner or co- owners.

2. The possessors or holders shall always keep with themselves the documents attesting the matriculation and registration of the navigational conveyance.

3. The declaration of the possession or holding shall be made each time the permanent place of location changes.

ARTICLE 13

(Changes of the requirements)

The owner or co-owners of a navigational conveyance and the person authorized according to letter "c", paragraph 3, article 7, are obliged to communicate in writing to the Office of the Border Police that has issued the certificate of use, any change regarding one or several of the requirements contemplated in articles 7 and 9 of this law, within twenty-four hours from the act of such change.

2. "Change" is considered:

a change in the holder of ownership, possession or holding;

the revocation of a license of navigation;

the substitution of a person authorized to pilot the conveyance according to letter "c", paragraph 3, article 7;

the change of residence, domicile or sojourn of the above mentioned persons;

the revocation or expiration of a driver's license;

a change in the permanent place of location of the conveyance;

a change of the purpose of use of a conveyance.

3. Within not more than five days from the submission of the change notification, the Office of the Border Police that is competent for the territory shall undertake a new registration and issue a new certificate of use.

4. Until a new certificate of use is issued, a navigational conveyance cannot be moved from its place of location or used for any other purpose.

5. The criminal record according to letter "d", point 3, article 7 is verified every twelve months by the Office of the Border Police.

ARTICLE 14

(Obligations regarding the plans of navigation)

1. If the plan of navigation provides for the exceeding two miles from the shore or 0.2 miles from the channel of Corfu, the owner or co-owners or the person potentially authorized to pilot the conveyance shall submit, at least 6 hours before any action of movement, a written declaration to the Office of the Border Police of the place of departure, who issue an attested copy of the declaration.

2. The obligation according to paragraph 1 also pertains to cases where the plan of navigation provides for the crossing of a state borderline of the Republic of Albania.

3. The place of arrival for practicing the activity previously stated as well as the hour of departure and return are defined in the declaration.

4. Particular provisions concerning the navigation distance on rivers and lakes located in the state borderline are defined by decision jointly approved by the Ministers of Public Order and that of Transport.

PART FOUR

ARTICLE 15

(Factories and naval construction sites)

1. The factories and naval construction sites that build, restructure, repair or acquire at any title navigational conveyances that are object of this law, shall keep a register with sheets that are numbered, stamped and signed by the head of the Office of Border Police, which is competent for that territory.
2. In the register shall be listed, chronologically and without unreadable cancellations or alterations: the data concerning each production restructuring and repairs; the model, the production matriculation number and name of the conveyance; the complete data of the purchaser, the owner or co- owners or the yielder and the person who has transported the navigational conveyance; and the manner of payment.
3. For purposes of control, the responsible person of the factory and naval construction site should exhibit the register upon the request of police authorities.

PART FIVE

ARTICLE 16

(Navigational conveyances matriculated in a foreign country)

1. Besides potential customs obligations, citizens of Albania or other States or stateless persons, owners, possessors or holders of navigational conveyances that are not matriculated in Albania, upon arrival in the national port, shall declare in writing their presence, the reasons for it, and the duration of their stay in Albanian territorial waters. Such declaration shall be presented to the Office of the Port Commander or to the dependent offices on lakes and rivers and to the Office of the Border Police that is competent for the territory.
2. If such conveyance stays in Albanian territorial waters without anchoring in the ports, the declaration shall be presented to the Offices mentioned in the preceding paragraph, upon entrance into Albanian territorial waters, and can also be made through the radio on board.
3. Besides what is provided in the preceding paragraphs, and other obligations towards the Office of the Port Commander deriving from legislation on navigation, the owner and possessor or holder of the navigational conveyance that is matriculated in a foreign country, who intends to stay in Albanian territorial waters for a period exceeding seven days or to exercise a long-term activity in Albania, is obliged to subject to the registration obligation foreseen by article 7.
4. For registration, documents of navigation issued by the foreign matriculation authorities shall be submitted.
5. The criminal record provided in letter "d" of paragraph 3 of article 7 shall be submitted, provided that long-term activity in Albania is intended.

PART SIX

ARTICLE 17

(Failure to meet requirements)

Whoever meets the conditions contemplated in paragraph 4 of article 18, cannot own, possess or hold navigational conveyances, object of this law, until rehabilitation according to the criminal and criminal procedure codes.

ARTICLE 18

(Prohibitions)

1. Registration at the Office of the Border Police is prohibited and the certificate of use cannot be issued, if a navigational conveyance, object of this law, has not been previously matriculated, as contemplated in letter "a" of article 5 of this law.

2. Registration at the Office of the Border Police is prohibited and the certificate of use cannot be issued, if the request provided in paragraph 2 of article 7 is incomplete and does not have attached all the documents provided in paragraph 3 of the same article.

3. Registration of navigational conveyances is prohibited for anybody who has been convicted for:

the criminal offenses contemplated in articles 76, 77, 78, 79, 87, 100, 101, 102, 103, 104, 109, 110, 111, 114, 114/a, 140, 141, 219-225, 230-234, 278 (paragraph 1 and 2), 283, 284, 285, 297 and 298 of the criminal code;

the criminal offenses in the field of customs contemplated in articles 276-280 of the customs code;

having acted as component of a criminal organization or armed gang.

4. The use of navigational conveyances that are not matriculated, registered or equipped with a certificate of use is prohibited.

PART SEVEN

SANCTIONS

ARTICLE 19

(Illegal registration and issuing of the certificate of use)

1. The registration or issuing of a certificate of use of a navigational conveyance, which is done intentionally by the officer or agent of police contrary to the provisions contemplated in points 1, 2 and 3 of article 18, constitute a criminal contravention and is punished by a fine from 50.000 (fifty thousand) to 100.000 (hundred thousand) lekë.

2. Violation contemplated in the point above, committed due to the carelessness of an officer or agent of police, constitutes an administrative contravention and is punished by a fine of 10.000 (ten thousand) lekë.

ARTICLE 20

(Failure to possess the documents during navigation)

1. Failure to possess on board during police controls the documents contemplated in article 10, constitutes an administrative contravention and is punished by a fine from 10.000 (ten thousand) to 15.000 (fifteen thousand) lekë.

2. A report on the recognition of a violation, a copy of which is given to the holder or possessor of the navigational conveyance, shall specify that the owner, co-owners or the pilot are obliged to submit within the three subsequent days the above-mentioned documents to the Office of the Border Police proceeding the case.

3. If the documents are not submitted within the time period contemplated in the preceding point, the navigational conveyance is subjected to an administrative blocking for 180 (one one-hundred eighty) days upon the order of the head of the competent office of Border Police. The expenses for the custody, which are determined by decision of the Minister of Public Order, are charged to the transgressor.

4. If the documents are not presented within this time period, the navigational conveyance is confiscated.

5. In the case provided in paragraph 1, the navigational conveyance is subject to administrative blocking until the verification of the identity of the owner, co-owners, possessor, holder or pilot of the navigational conveyance.

6. Persons on board of a navigational conveyance can be accompanied at any time to the offices of the Border Police for identity verification based on article 45 of Law No. 8553, dated 25.11.1999, "On the State Police".

7. In cases where the violation contemplated in point 1 is repeated, the administrative sanction is doubled.

8. If the violation contemplated point 1 is repeated more than twice, the administrative sanction is doubled and the additional sanction of administrative blocking of the navigational conveyance for 90 (ninety) days is applied.

ARTICLE 21

(Refusal to exhibit documents)

1. Refusal to exhibit the documents contemplated in article 10 constitutes a criminal contravention and is punished by a fine from 50.000 (fifty thousand) to 100.000 (hundred thousand) lekë, and by confiscation of the navigational conveyance.

2. The officer or agent of Border Police who has performed the control seizes the navigational conveyance, in compliance with the procedure provided in paragraphs 3, 4, 5 and 6 of article 31.

3. Within 15 (fifteen) days of when the measure of seizure is taken, the court decides on the confiscation of the navigational conveyance.

ARTICLE 22

(Failure to declare importation)

1. Failure to declare importation as contemplated in point 1 of article 11 constitutes a criminal contravention and is punished by a fine from 150.000 (one-hundred thousand) to 200.000 (two hundred thousand) lekë, and by confiscation of the navigational conveyance.

2. The officer or agent of Border Police who has attested the violation seizes the navigational conveyance, in compliance with the procedure contemplated in paragraphs 3, 4, 5 and 6 of article 31.

3. Within fifteen days from the seizure, the court decides on the confiscation of the navigational conveyance.

ARTICLE 23

(Failure to declare possession or holding)

1. Failure to declare possession or holding contemplated in article 12 constitutes a criminal contravention and is punished by a fine from 100.000 (one-hundred thousand) to 150.000 (hundred fifty thousand) lekë, and by confiscation of the navigational conveyance.

2. The officer or agent of Border Police who has attested the violation seizes the navigational conveyance, in compliance with the procedure provided in points 3, 4, 5 and 6 of article 31.

3. Within 15 (fifteen) days of when the measure of seizure is taken, the court decides on the confiscation of the navigational conveyance.

ARTICLE 24

(Absence of matriculation or registration)

1. Any ownership, possession or holding of a navigational conveyance, object of this law, that is not matriculated or registered as contemplated in article 5, constitutes a criminal contravention and is punished by a fine from 100.000 (hundred thousand) to 200.000 (two hundred thousand) lekë, and by confiscation of the navigational conveyance.

2. The officer or agent of Border Police who has attested the violation seizes the navigational conveyance, in compliance with the procedure provided in paragraphs 3, 4, 5 and 6 of article 31.

3. Within 15 (fifteen) days from the seizure, the court decides on the confiscation of the navigational conveyance.

ARTICLE 25

(Modification or falsification of the characteristics of the navigational conveyance)

1. Modification or falsification of the technical characteristics of a navigational conveyance or the power of the motor(s) constitute a criminal contravention and is punished by a fine from 100.000 (one-hundred thousand) to 200.000 (two thousand) lekë, and by confiscation of the navigational conveyance.

2. The owner, possessor, holder, and the pilot of the navigational conveyance are held responsible for collaborating in the commission of the criminal contravention contemplated in paragraph 1, provided that they have requested the modification or falsification.

3. The officer or agent of Border Police who has attested the violation seizes the navigational conveyance, in compliance with the procedure provided in paragraphs 3, 4, 5 and 6 of article 31.

4. Within 15 (fifteen) days from the seizure, the court decides on the confiscation of the navigational conveyance.

ARTICLE 26

(Responsibility for the activity of the factories and naval construction sites)

1. Violation of the provisions contemplated in paragraphs 1 and 2 of article 15 constitutes criminal contravention and is punished by a fine from 150.000 (one-hundred and fifty thousand) to 200.000 (two hundred thousand) lekë.

2. If the violation is repeated more than once, besides the fine contemplated in paragraph 1, the additional sanction of closure of the factory or naval construction site from ninety days to one-hundred and eighty days is applied.

3. The owner and administrator of the factory or naval construction site, are held responsible for collaborating in the commission of the contravention contemplated in paragraph 1, provided that they have requested the illegal activity, and the fine is doubled.

4. The provisional closure is decided during the control carried out by the Officer of the Border Police and in this case the procedure provided in points 3, 4, 5 and 6 of article 31 is applied.

5. The court decides within 15 (fifteen) days the measure of provisional closure to be taken.

ARTICLE 27

(Refusal to exhibit registers)

1. Refusal on the part of the owner or administrator of the factory or naval construction site to exhibit the registers, as provided in paragraph 3 of article 15, constitutes criminal contravention and is punished by a fine from 100.000 (one-hundred thousand) to 150.000 (one-hundred and fifty) lekë and by the additional sanction of closure of the factory or naval construction site from ninety to one-hundred and eighty days.
2. The provisional closure is decided during the control by the Officer or agent of the Border Police who has attested the violation and the procedure provided in paragraphs 3, 4, 5 and 6 of article 31 is applied.
3. The court decides within 15 (fifteen) days the measure of provisional closure to be taken.

ARTICLE 28

(Failure to declare modifications)

1. Failure to declare modifications contemplated in point 1 of article 13, article 14, and points 1 and 2 of article 16, constitutes a criminal contravention and is punished by a fine from 50.000 (fifty thousand) to 100.000 (one-hundred thousand) lekë.
2. If the violation provided in paragraph 1 is repeated, the administrative sanction is doubled.
3. If the violation provided in paragraph 1 is repeated more than twice, the administrative sanction is doubled and the additional sanction of administrative blocking of the navigational conveyance for ninety days is applied.
4. The officer or agent of Border Police who has attested the violation seizes the navigational conveyance, in compliance with the procedure provided in points 3, 4, 5 and 6 of article 31.
5. Within 15 (fifteen) days the measure of seizure is taken, the court decides on the confiscation of the navigational conveyance.

ARTICLE 29

(Displacement or use of the conveyance without authorization)

1. Displacement or use of the navigational conveyance contrary to point 4 of article 13, or point 4 of article 18, constitutes a criminal contravention and is punished by a fine from 100.000 (one-hundred thousand) to 150.000 (one-hundred and fifty thousand) lekë, and by confiscation of the navigational conveyance.
2. The officer or agent of Border Police who has attested the violation seizes the navigational conveyance, in compliance with the procedure provided in paragraphs 3, 4, 5 and 6 of article 31.
3. In any case, the conveyance used for the transportation from and to the place of use of the navigational conveyance is seized as well.
4. Within fifteen days from seizure, the court decides on the confiscation of the navigational conveyance.

ARTICLE 30

(Excess of the number of persons transported)

1. Besides what is provided in the legislation on navigation, the transport on the navigational conveyance of a number of persons, including the crew, which exceeds the number indicated in the license of navigation and certificate of use, constitutes an administrative contravention and is punished by a fine of 20.000 (twenty thousand) lekë for every person transported in excess.

2. Transport of a number of persons which exceeds the authorized number by ten, constitutes a criminal contravention and is punished by a fine from 150.000 (hundred and fifty thousand) to 200.000 (two hundred thousand) lekë, and by confiscation of the navigational conveyance.

3. The officer or agent of Border Police who has attested the violation as provided in paragraph 2, seizes the navigational conveyance, in compliance with the procedure provided in paragraphs 3, 4, 5 and 6 of article 31.

4. Within fifteen days from the seizure, the court decides on the confiscation of the navigational conveyance.

PART EIGHT

ARTICLE 31

(Activity of the judicial police)

1. The Officer of Judicial Police belonging to the Office of Border Police, which is competent for the territory, upon decision of the court, inspects and controls places where he has grounds to believe that the navigational conveyances, object of this law, are illegally hidden or held contrary to the provisions in articles 11, 12, 17 and 18.

2. The Officer of the Judicial Police can proceed on his own initiative in cases of urgency according to the criteria determined by the criminal procedure code.

3. In any case the Officer of the Judicial Police should compile three copies of their report of inspection or control and the potential seizure of the navigational conveyance, as an element of evidence of the criminal offense, and then deliver one copy of the report to the person concerned, if present; one copy to the competent prosecutor; and file one third copy in the records of his office.

4. The report contemplated in paragraph 3 should state the potentially spontaneous declarations of the person, if present, towards whom the inspection or control is carried out.

5. The person contemplated in the preceding paragraph shall be informed, prior to the beginning of the operation, that he can request the assistance of a defense lawyer.

6. Within 48 hours, the Officer of Judicial Police should send the above-mentioned report to the prosecutor who will assess it within the following 48 hours.

ARTICLE 32

(Parts of navigational conveyances)

The provisions of the preceding article apply also to parts of navigational conveyances, which based on grounded information, collocation, methods of hiding, and presence of conditions indicated in point 5 of article 18 of the owner or co-owner, holder or possessor, give rise to the belief that they are designed to be used to compose or assemble navigational conveyances as defined in article 2.

PART NINE

ARTICLE 33

(Relationship with the criminal code and other special laws)

Besides the sanctions contemplated for individual violations of this law, those provided in the criminal code, and other special criminal laws are applied, provided that criminal offenses are committed through the use of navigational conveyances as defined in article 2.

ARTICLE 34

(Application of the criminal procedure code)

Besides the procedures contemplated in paragraphs 3, 4, 5, and 6 of article 31 of this law, the articles of the criminal procedure code are applied.

Article 35

(Judicial custody of seized and confiscated conveyances)

The navigational conveyances that are seized and confiscated basing on this law are entrusted to the Directorate of the State Reserve.

Article 36

(Use of confiscated conveyances)

1. Upon confiscation, the navigational conveyances contemplated in article 35 become state property.
2. The Directorate of the State Reserve, upon request of the Directorate of the Border Police and the approval of the competent organs, designates the use of the navigational conveyances to the offices of the Border Police, who can use them while performing their duties.

Article 37

(Administrative appeal)

Against the administrative measures taken, based on this law, the transgressor can, within five days, submit an appeal to the Minister of Public Order, who decides within fifteen days from the receipt of the appeal.

The transgressor can appeal the decision of the Minister of Public Order to the court within five days.

2. The submission and examination of the appeal is carried out according to the provisions of Law No. 7697, dated 07.04.1993 "On the administrative contraventions" and the respective amendments.

Article 38

(Sub-legal acts implementing the law)

1. The Minister of Transport should issue the acts provided in paragraphs 2, 4, and 6 within thirty days this from the entry into force of this law.
2. The Minister of Public Order should issue the acts provided in paragraph 1 of article 9, and paragraph 3 of article 20, as well as the norms to implement the administrative sanctions within thirty days from the entry into force of this law.
3. The Ministers of Public Order, Transport, and Defense should issue the joint act provided in paragraph 3 of article 14, within thirty days from the entry into force of this law.

4. The Ministers of Public Order, Transport, and Defense should issue any other joint act regarding the implementation of this law within ninety days from the entry into force of this law.

Article 39

(Transitional provisions)

1. The owner or co-owners, possessor or holder of the navigational conveyances that were acquired prior to the entry into force of this law, should submit the declarations contemplated in paragraph 1 of article 11, and paragraph 1 of article 12, within thirty days from the entry into force of this law.

2. Failure to make the declaration contemplated in paragraph 1, constitutes a criminal contravention and is punished based on article 22 and 23 of this law.

Article 40

(Final provisions)

1. The provisions of Law No. 7873, dated 16.11.1994 "On the seizure of land, navigational, and air conveyances through which a criminal offense is committed," are not applied to navigational conveyances object of this law.

2. Law No. 8440, dated 13.01.1999, "On the registration, use, and control of navigational conveyances under 20 tons net weight" and Law No. 8616, dated 01.06.2000 "On some amendments and additions to the Law No. 8440, dated 13.01.1999, "On the registration, use, and control of navigational conveyances under 20 tons net weight", are repealed.

ARTICLE 41

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

Announced by decree No. 2755, dated 23.09.2000 of the President of the Republic of Albania, Mr. Rexhep Meidani.