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THE TREATMENT OF THE EU CITIZENS AND THEIR RELATIVES IN ALBANIA

Abstract:

The treatment of foreigners entering or seeking to enter, stay or work in the territory of the Republic of Albania, according to the criteria and norms of EU legislation, is subject of the Law nr. 108 "On Foreigners" of 28.03.2013.

This law specifies in detail the types of residence permits, and for the first time a re-residence permit is foreseen for highly skilled workers, and the recognition of this type of residence permits by other countries, based on possible agreements.

The provisions related to the residence permits, provides the possibility for any foreigner, who is registered as a resident in Albania, to seek family reunification, as it happens in the European Union.

The purpose of this specific law is to follow the steps of the European Union countries related to the respect of the fundamental right of the free movement and the family reunification.

The right to be accompanied by their family members, was and continues to be a right that regardless the nationality of the family members itself.

The family reunion, according to Albanian national law, is considered the entry and the stay in the Republic of Albania of members of the family of an Albanian citizen resident who do not have Albanian citizenship or are stateless.

Family reunification aims to preserve the family, regardless of whether the family relationship is established before or after the entry of a foreigner into the Republic of Albania.

When we talk about the family law protection with regard to freedom of movement, we tend to differentiate between the family of the EU citizen and the family of the non EU citizens.

For both EU and non-EU citizens, in the Republic of Albania, is the Law nr. 108 "On Foreigners" of 28.03.2013 that defines the limits to the right to free movement, and as a result to the right of family reunification.

Family reunion is allowed only for certain categories of persons who enjoy the status of a family member.

The Albanian legislature accorded the status of family member to spouses, cohabitants, first-line ancestors and descendants.

The Law "On Foreigners" has reflected the suggestions of EU experts, the most positive experiences of legislation and administrative practices of some EU member states, such as Slovenia, Finland, Norway, Romania, but also Croatia.

Keywords:

Republic of Albania, the EU citizen, family reunification, the Law "On foreigners", international law

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