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Country context (optional)

Please use this field to provide any relevant contextual or background information about the country's law, policy, and practice, or the stateless population, to help contextualise the information in the survey (optional question).

International and Regional Instruments

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
IOB.1.a	1954 Convention	Is your country party to the 1954 Statelessness Convention?	UN Convention Relating to the Status of Stateless Persons, 1954	Yes	United Nations Treaty Collection (UNTC): https://treaties.un.org/Pages/showActionDetails.aspx?objid=0800000280032c0e&clang=_en
IOB.1.b		If yes, when was ratification/accession?		24.4.2003	Official Publishing Centre (OPC): https://qbz.gov.al/eli/fz/2003/41/1ace9a64-e48a-47dd-b64b-6690eed103f9;q=LIGJ%20Nr%20.9057,%20date%2024.4.2003 Law no. 9057 of 24.4.2003
IOB.1.c		Are there reservations in place? Please list them.	Best practice is no reservations. If there are, they should have little or no impact on the rights of stateless people.	No reservations	UNTC: https://treaties.un.org/Pages/showActionDetails.aspx?objid=0800000280032c0e&clang=_en
IOB.1.d		Does the Convention have direct effect?	Best practice is that the Convention has direct effect, though this may depend on the legal regime.	Yes	Constitution of the Republic of Albania, Article 116 : https://euralius.eu/index.php/en/library/albanian-legislation/send/9-constitution/178-constitution-of-the-republic-of-albania-en
IOB.2.a	1961 Convention	Is your country party to the 1961 Statelessness Convention?	UN Convention on the Reduction of Statelessness, 1961	Yes	UNTC: https://treaties.un.org/Pages/showActionDetails.aspx?objid=0800000280035b59&clang=_en
IOB.2.b		If yes, when was ratification/accession?		8.5.2003	OPC: https://qbz.gov.al/eli/fz/2003/47/64d3c994-7b15-4228-ad6d-934421bbfd69;q=LIGJ%20%20Nr.9059,%20date%208.5.2003 Law no.9059 of 8.5.2003
IOB.2.c		Are there reservations in place? Please list them.	As above	No	UNTC: https://treaties.un.org/Pages/showActionDetails.aspx?objid=0800000280035b59&clang=_en
IOB.2.d		Does the Convention have direct effect?	As above	Yes. Any international agreement that has been ratified constitutes part of the internal juridical system after it is published in the Official Journal of the Republic of Albania.	Constitution of the Republic of Albania, Article 116, 121, 122: https://euralius.eu/index.php/en/library/albanian-legislation/send/9-constitution/178-constitution-of-the-republic-of-albania-en
IOB.3.a	Other conventions	State party to European Convention on Nationality 1997? Please list any reservations.	European Convention on Nationality, 1997	Yes	COE Treaty Office: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/166/signatures?p_auth=S6QDjHd9 Law no. 8942 of 19.9.2002
IOB.3.b		State Party to European Convention on Human Rights 1950? Please list any relevant reservations.	European Convention on Human Rights, 1950	Yes. No reservations.	COE Treaty Office: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/country/ALB?p_auth=S6QDjHd9 Law no.8137 of 31.7.1996
IOB.3.c		State Party to Council of Europe Convention on the avoidance of statelessness in relation to State succession 2006? Please list any reservations.	Council of Europe Convention on the Avoidance of Statelessness in Relation to State Succession, 2006	No	COE Treaty Office: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/200/signatures?p_auth=d396YmCF
IOB.3.d		Bound by Directive 2008/115/EC of the European Parliament and of the Council (EU Return Directive)? Please list any relevant reservations.	Directive 2008/115/EC of the European Parliament and of the Council (EU Return Directive)	N/A	N/A

IOB.3.e	State Party to Convention on the Rights of the Child 1989? Please list any relevant reservations.	Convention on the Rights of the Child, 1989	Yes. No reservations.	UNTC: https://treaties.un.org/Pages/showActionDetails.aspx?objid=0800000280003089&clang=_en Law no. 7531 of 11.12.1991
IOB.3.f	State Party to International Covenant on Civil and Political Rights 1966? Please list any relevant reservations.	International Covenant on Civil and Political Rights, 1966	Yes. No reservations.	UNTC: https://treaties.un.org/Pages/showActionDetails.aspx?objid=080000028000589a&clang=_en Law no. 7510 of 8.8.1991
IOB.3.g	State Party to International Covenant on Economic, Social and Cultural Rights 1966? Please list any relevant reservations.	International Covenant on Economic, Social and Cultural Rights, 1966	Yes. No reservations.	UNTC: https://treaties.un.org/Pages/showActionDetails.aspx?objid=080000028002bae2&clang=_en Law no. 7510 of 13.8.1991
IOB.3.h	State Party to Convention on the Elimination of all Forms of Discrimination Against Women 1979? Please list any relevant reservations.	Convention on the Elimination of all Forms of Discrimination Against Women, 1979 CEDAW, Gen. Rec. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness	Yes. No reservations.	UNTC: https://treaties.un.org/Pages/showActionDetails.aspx?objid=0800000280004389&clang=_en Law no. 7767 of 9.11.1993
IOB.3.i	State Party to Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984? Please list any relevant reservations.	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984	Yes. No reservations.	UNTC: https://treaties.un.org/Pages/showActionDetails.aspx?objid=080000028003dfe6&clang=_en Law no. 7727 of 30.6.1993
IOB.3.j	State Party to International Convention on the Elimination of All Forms of Racial Discrimination 1966? Please list any relevant reservations.	International Convention on the Elimination of All Forms of Racial Discrimination, 1965	Yes. No reservations.	UNTC: https://treaties.un.org/Pages/showDetails.aspx?objid=0800000280008954&clang=_en Law no.7768 of 9.11.1993
IOB.3.k	State Party to the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families 1990? Please list any relevant reservations.	International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, 1990	Yes. No reservations	UNTC: https://treaties.un.org/Pages/showActionDetails.aspx?objid=080000028004b0d3&clang=_en Law no.9703 of 2.4.2007
IOB.3.l	State Party to the Convention on the Rights of Persons with Disabilities 2006? Please list any relevant reservations.	Convention on the Rights of Persons with Disabilities, 2006	Yes. No reservations.	UNTC: https://treaties.un.org/Pages/showActionDetails.aspx?objid=080000028026f1c0&clang=_en Law no. 108/2012 of 15.11.2012

Stateless Population Data

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
POP.1.a	Availability and sources	Does the State have a 'stateless' category in its data collection systems (e.g. census)? Please list available figures for the total stateless population on the territory and describe how data is disaggregated (e.g. by sex, age, residence).	CEDAW, Gen. Rec. 32 (2014) : States parties should gather, analyse and make available sex-disaggregated statistical data and trends. Council of the European Union, Conclusions on Statelessness (2015) : Recognise the importance of exchanging good practices among Member States concerning the collection of reliable data on stateless persons as well as the procedures for determining statelessness. UNHCR, Global Action Plan to End Statelessness 2014-24 (2014) : Improve quantitative and qualitative data on stateless populations. ISI, The World's Stateless (2014) : States should strengthen measures to count stateless persons on their territory.	According to the most recent population data gathered through the 2011 national census and compiled by the Albanian Institute of Statistics (INSTAT), there were 7,443 stateless persons identified in Albania. Of this total, 3,874 were men and 3,569 were women. This number is based on the census questionnaire based on individuals' answers and self-perception. Disaggregation based on gender is the only disaggregation provided in the census. The next census is scheduled to be held in 2023, but the exact time is not defined yet.	Census data is available at: http://www.instat.gov.al/al/temat/censet/censusi-i-popullsis%C3%AB-dhe-banesave/#tab2
POP.1.b		Do public authorities define data categories that may overlap (e.g. unknown nationality) or where stateless people might be more highly represented (e.g. Palestinian)? Please explain and provide any available figures.	As above	No. There is no further data available regarding the demographics of these individuals, except the gender distribution: (3,874 men and 3,569 women based on 2011 census). It is to be emphasised that there are no official data on the number of persons with unknown nationality or at risk of statelessness who are children for example, or minorities or any other special categories. The most accurate figures currently available were collected by TLAS in the mapping report conducted jointly with UNHCR and published in May 2018.	TLAS and UNHCR, Report on Mapping of the Population at Risk of Statelessness in Albania, May 2018: http://www.tlas.org.al/sites/default/files/Mapping%20of%20the%20population%20at%20risk%20of%20statelessness_english.compressed.pdf
POP.1.c		What is UNHCR's estimate for the stateless/at risk of statelessness population and what is the source for this estimate?	As above	UNHCR has supported the work of TLAS in providing legal support for identified cases of persons at risk of statelessness and also work in supporting efforts to gather and evidence data regarding statelessness. The mapping report was the result of that joint work from which 1031 persons at risk of statelessness were identified.	TLAS and UNHCR, Report on Mapping of the Population at Risk of Statelessness in Albania, May 2018: http://www.tlas.org.al/sites/default/files/Mapping%20of%20the%20population%20at%20risk%20of%20statelessness_english.compressed.pdf
POP.1.d		Have there been any surveys or mapping studies to estimate the stateless population in the country?	As above	See 1.c above	
POP.1.e		Are there any other sources of estimates for the stateless population not covered by the above? Please list sources and figures.	As above	The Law on Civil Status was amended in 2018 and provides for the creation of an electronic module, in which data will be reflected only for cases of births reported and unregistered in the National Registry of Civil Status. Civil status offices are in charge to register any birth that is reported from the maternity houses but is still unregistered/undeclared by the persons entitled to register the birth. A sublegal act is in force that provides for the creation, administration and updates on this register. This new legal and practical tool is intended to track and identify potential cases of unregistered/at risk of statelessness persons, however, there are indications that it is not being used to its full potential and only a few offices have recorded data so far.	Law on Civil Status 69/2018, Article 41/1/2: https://qbz.gov.al/search?q=ligji%20per%20gjendjen%20civile
POP.1.f		Are there issues with the reliability of data or indications that the stateless population may be over/under reported? If yes, please describe.	As above	The last population census of 2011 gave an approximation of the total number of persons self-declared as stateless without any further indicative distribution or segregation except for gender distribution. The available data gathered from the census does not make the distinction if the stateless cases reported are persons that based on legal definition were indeed stateless, or were unregistered, undocumented or at risk of statelessness. It is considered that the census data is outdated, and the successor census is likely to be conducted by the National Institute on Statistics in 2023. TLAS has provided a set of recommendations to	TLAS Information for the new census 2023 available at http://www.instat.gov.al/en/census/

				<p>INSTAT. The number of stateless people reported from the last 2011 census (7,443) is considered to have been significantly reduced due to the legal access to registration support provided by TLAS and supported by International Organisations (e.g. UNHCR). This was also indicated by the TLAS-UNHCR mapping report which confirmed that the number of persons at risk of statelessness (1,031) is much lower than the number reported from the census.</p>	
POP.1.g		<p>Please provide any available figures for stateless refugees and/or asylum-seekers and clarify if the State also counts these groups in figures for the stateless population (i.e. to avoid under/over-reporting).</p>	<p>As above. EASO/EUAA, Practical guide on registration (2021): States should collect information from applicants for international protection about their nationality(ies) and potential lack of nationality. When registering families, it is important to collect this data for each family member.</p>	<p>The Government does not provide disaggregated figures for the stateless population other than the gender distribution from the census. The only available public data is from the National Institute on Statistics (INSTAT). Statistics on foreigners with residence permits and asylum seekers in Albania are included for the first time in the Official Statistics Program 2017-2021 of INSTAT. Data on foreigners are provided by the Department of Borders and Migration, while data on asylum seekers and citizenship are provided by the Ministry of Interior. In 2021, 2,533 people sought asylum in Albania, an increase of 13.5% compared to 2020. Asylum seekers originating from Afghanistan make up 98.6% of the total number of asylum seekers in 2021 (2,498 people). In 2021, 711 people acquired Albanian nationality, an increase of 68.1 % compared to 2020. During 2021, 724 people lost their Albanian citizenship, an increase of 41.1 % compared to 2020. The latest available data made public about the irregular residence are from 2019, when INSTAT recorded 11,890 foreigners with irregular residence status, most of them (57.4%) originating from Iraq and Syria.</p>	<p>Statistics available from INSTAT (EN): http://www.instat.gov.al/en/themes/demography-and-social-indicators/migration-and-migrant-integration/#tab1 http://www.instat.gov.al/en/themes/demography-and-social-indicators/migration-and-migrant-integration/#tab3</p>
POP.2.a	Stateless in detention data	<p>Does the State record and publish figures on stateless people held in immigration detention? If yes, please provide.</p>	<p>UNHCR, Global Action Plan to End Statelessness 2014-24 (2014): Improve quantitative and qualitative data on stateless populations. CEDAW, Gen. Rec. 32 (2014): State parties should gather, analyse and make available sex-disaggregated statistical data and trends. ISI, The World's Stateless (2014): States should strengthen measures to count stateless persons on their territory. Equal Rights Trust, Guidelines (2012): States must identify stateless persons within their territory or subject to their jurisdiction as a first step towards ensuring the protection of their human rights. Council of the European Union, Conclusions on Statelessness (2015): Recognise the importance of exchanging good practices among Member States concerning the collection of reliable data on stateless persons as well as the procedures for determining statelessness.</p>	<p>There is no information from INSTAT or any other public source on the number of stateless people held in detention. The only available data from INSTAT is on foreigners with irregular status (see POP.1.g.).</p>	<p>Statistics available from INSTAT (EN): http://www.instat.gov.al/media/10428/foreigners-in-albania-2021.pdf</p>
POP.2.b		<p>Does the State record and publish figures on people released from immigration detention due to un-removability? If yes, please provide.</p>	<p>As above</p>	<p>No</p>	

Statelessness Determination and Status

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
SDS.1.a	Definition of a stateless person	Is there a definition of a stateless person in national law? Do the definition and exclusion provisions align with the 1954 Convention? Please provide details.	1954 Convention : Articles 1(1) & 1(2).	Article 3/30 of the Law “On Foreigners” defines a stateless person as “a person who is not a national of any state”. This definition falls short of the 1954 Convention definition of a stateless person as someone who is “not considered as a national by any state under the operation of its law”. Failure to include the phrase “under the operation of its law” in the Albanian law is a gap affecting persons that should have a nationality but have been denied their nationality due to non-implementation (or discriminatory implementation) of the law. In the absence of a procedure to identify and protect stateless persons, the impact of this gap may be less obvious in practice, but it is a significant one nonetheless, as it can result in stateless people not being identified and being denied protection.	TLAS and UNHCR, Report on Mapping of the Population at Risk of Statelessness in Albania, May 2018: http://www.tlas.org.al/sites/default/files/Mapping%20of%20the%20population%20at%20risk%20of%20statelessness_english.compressed.pdf Article 3/30, Law 79/2021 on Foreigners, (ALB): https://qbz.gov.al/eli/fz/2021/162/8f6d9e67-0996-44fa-aadb-4a32b30e7fad;q=ligj%20per%20te%20huajt
SDS.2.a	Training	Is there training to inform different public authorities about statelessness? If yes, please provide details (e.g. who provides training to whom/how often?)	UNHCR Executive Committee, Conclusion No. 106 (LVII) (2006) : Requests UNHCR to actively disseminate information and, where appropriate, train government counterparts on appropriate mechanisms for identifying, recording, and granting a status to stateless persons.	There are no dedicated trainings from the government bodies about statelessness. TLAS is the only organisation in Albania that has regularly conducted dedicated trainings on statelessness supported by International donors and partners such as UNHCR, ENS, US Embassy etc.	TLAS
SDS.2.b		Is there training for judges and lawyers on statelessness? If yes, please provide details (e.g. provider, frequency).	UNHCR, Good Practices Papers – Action 6 (2020) : Officials who may be in contact with stateless persons need to be trained to identify potential applicants for statelessness status and refer them to appropriate channels. UNHCR, Geneva Conclusions (2010) : It is recommended that States provide specialised training on nationality laws and practices, international standards and statelessness to officials responsible for making statelessness determinations.	The institution in charge of conducting continuous trainings for judges and prosecutors is the School of Magistrates. The curriculum of the trainings over the years is publicly available. From a review of the curricula, it can be identified that there has never been any training on statelessness. The institution in charge of delivering continuous trainings for lawyers is the School of Advocacy. The activity of the school is recent, and the continuous trainings are not yet effective in practice. There are just two pilot districts of the regional Bar Chambers that have set up a continuous training curriculum and these do not include any training on statelessness.	Curricula of the school of magistrates (ALB): https://www.magistratura.edu.al/#1121 Information on the training curricula of the School of Advocacy (ALB): http://www.dhka.org.al/index.php/trajnimet/kalendari-i-arsimit-ligjor-vazhdues
SDS.3.a	Existence of a dedicated SDP	Which of the following best describes the situation in your country? Choose only one and then proceed to question indicated. 1. There is a dedicated statelessness determination procedure (SDP) established in law, administrative guidance, or judicial procedure, leading to a dedicated statelessness status (answer Question SDS.3.b. and proceed to Question 4a). 2. There is no dedicated SDP leading to a dedicated statelessness status, but there are other procedures in which statelessness can be identified (e.g. partial SDPs with no status/rights attached, residence permit or naturalisation applications, refugee status determination, ad hoc procedures, etc.), or other routes through which stateless people could regularise their stay and/or access	UNHCR, Handbook on Protection (2014) : It is implicit in the 1954 Convention that States must identify stateless persons to provide them appropriate treatment to comply with their Convention commitments. UNHCR, Good Practices Papers – Action 6 (2020) : Establishing a statelessness determination procedure is the most efficient means for States Parties to identify beneficiaries of the Convention.	1. There is a dedicated statelessness determination procedure (SDP) established in law. The new Law on Foreigners, Law no. 79/2021 which entered into force in November 2021, introduced an SDP for the first time. Article 54/3 of the Law on Foreigners, entitled "Determining the status and issuing the document to a stateless person", stipulates that the procedure for the application, evaluation, approval, and rejection of a request for recognition of statelessness status shall be regulated through an instruction issued by the responsible Minister for Public Order and Safety. At the time of writing, this instruction has not yet been approved, so the new SDP is not yet operational.	Law on Foreigners, no. 79/2021, (ALB): https://qbz.gov.al/eli/fz/2021/162/8f6d9e67-0996-44fa-aadb-4a32b30e7fad;q=ligj%20per%20te%20huajt

		<p>their rights (answer Question SDS.3.b. and proceed to Question 10a).</p> <p>3. There is a dedicated statelessness status but no formal procedure for determining this (answer Question SDS.3.b. and proceed to Question 15a).</p>			
SDS.3.b	Temporary protection for people fleeing war	<p>Does the State offer a temporary form of protection to stateless people and people at risk of statelessness from Ukraine? Please describe any barriers for stateless people or people at risk of statelessness in accessing the territory or receiving protection (e.g. for people who cannot fulfil eligibility requirements in line with the EU Temporary Protection Directive, if applicable).</p>	<p>EU Temporary Protection Directive (2001) EU Council Implementing Decision (2022) establishing the existence of a mass influx of displaced persons from Ukraine & European Commission, Operational guidelines ENS, Briefings on access to protection for stateless people fleeing Ukraine: Everyone fleeing the war in Ukraine should be guaranteed access to the territory. European countries must extend temporary forms of protection to all stateless people and those with undetermined nationality who cannot meet current eligibility requirements, due to their statelessness or documentation status. Lack of documentation should not prevent access to international protection or other forms of protection.</p>	<p>The Council of Ministers approved on 18 March 2022 the decision to provide temporary protection to Ukrainian nationals, stateless persons, and people who have acquired international protection status in Ukraine, with temporary or permanent residence in Ukraine, who entered the territory of Albania for reasons of war, aggression of the lives of vulnerable civilians, or the escalation of armed actions against the civilian population. Temporary protection is also granted to people who were residing in Albania and, for the same reasons, cannot return to their country of stay or residence.</p> <p>Temporary protection begins from the moment of entering of Albania and is valid for a term of one year. Temporary protection may be extended for another six months by the Council of Ministers, but as of February 2023 that decision has not yet been made.</p> <p>Beneficiaries of temporary protection may submit an application for international protection at any time, but examination of the application for international protection only starts upon expiry of their temporary protection.</p> <p>Beneficiaries of temporary protection are entitled to remain in Albania for the duration of their status; to basic accommodation; healthcare; pre-university education; work and access vocational training; legal aid; and they have the right to apply for family reunification (but only if such right cannot be exercised in any other country).</p>	<p>Council of Ministers decision no 173, 18 March 2022: https://qbz.gov.al/eli/vendim/2022/03/18/173/1f593c53-3304-4765-ba6c-52d1b9d46671;q=ukraine</p> <p>Law no. 10/2021 on Asylum in the Republic of Albania: https://mb.gov.al/wp-content/uploads/2022/03/Ligji-per-Azilin-10.2021-English.pdf</p>
SDS.4.a	Access to the procedure (Group 1)	<p>Is the examination of statelessness claims conducted by a dedicated, centralised body with relevant expertise? Please note the competent authority and evaluate appropriateness to national context.</p>	<p>UNHCR, Handbook on Protection (2014): States may choose between a centralised procedure or one that is conducted by local authorities. Centralised procedures are preferable as they are more likely to develop the necessary expertise. UNHCR, Good Practices Papers – Action 6 (2020): It is important that examiners develop expertise while ensuring that the procedures are accessible.</p>	<p>So far, Article 54 of the new Law on Foreigners is the only provision regulating the SDP. The required instruction to operationalise the SDP has not yet entered into force.</p> <p>Article 54 stipulates that the request to determine whether the applicant is a stateless person should be submitted to the responsible authority in the Ministry for Public Order and Security and does not indicate the specific authority.</p>	<p>Article 54, Law 79/2021 on Foreigners, (ALB): https://qbz.gov.al/eli/fz/2021/162/8f6d9e67-0996-44fa-aadb-4a32b30e7fad;q=ligji%20per%20te%20huajt</p>
SDS.4.b		<p>Are there clear, accessible instructions on how to make a claim of statelessness?</p>	<p>UNHCR, Handbook on Protection (2014): For procedures to be fair and efficient, access must be ensured (dissemination of info, targeted info campaigns, counselling on the procedures, etc.). UNHCR, Good Practices Papers – Action 6 (2020): Information on the procedure and counselling services must be available to potential applicants in a language they understand.</p>	<p>No. The required instruction has not yet been drafted.</p>	<p>TLAS</p>

SDS.4.c		Can submissions be made orally and/or in writing in any language?	ENS, Statelessness Determination and the Protection Status of Stateless Persons (2013) : Bureaucratic difficulties (e.g. complicated forms, inflexible procedures, language restrictions etc.) can impede access to SDPs.	Not yet clear.	TLAS
SDS.4.d		Must a specific application form be used? Please note any difficulties with forms or other inflexible documentation requirements.	ENS (2013) : Bureaucratic difficulties (e.g. complicated forms, inflexible procedures, language restrictions etc.) can impede access to SDPs.	Not yet clear.	TLAS
SDS.4.e		Are competent authorities authorised to initiate SDPs <i>ex officio</i> ?	UNHCR, Good Practices Papers – Action 6 (2020) : It is recommended that governmental authorities be authorised to initiate procedures <i>ex officio</i> . UNHCR, Handbook on Protection (2014) : Given that individuals are sometimes unaware of SDPs or hesitant to apply, procedures can usefully contain safeguards permitting State authorities to initiate a procedure.	Not yet clear.	TLAS
SDS.4.f		Are there obligations in law on authorities to consider the application?	UNHCR, Good Practices Papers – Action 6 (2020) : Access to the SDP must be guaranteed.	Not yet clear.	TLAS
SDS.4.g		Is there an application fee?	UNHCR, Good Practices Papers – Action 6 (2020) : Access to the SDP must be guaranteed.	Not yet clear.	TLAS
SDS.4.h		Is there a lawful stay requirement to access the SDP?	UNHCR, Good Practices Papers – Action 6 (2020) : Access to the procedure needs to be open to anyone regardless of lawful stay or residence. ENS (2013) : There is no basis in the 1954 Convention for requiring lawful stay.	No. The law does not stipulate lawful stay as a requirement to access the SDP. However, the law does stipulate that a request cannot be submitted by a person who has submitted a request for international protection, been recognised as a refugee, or been granted asylum, subsidiary protection, or another form of protection under the Law on Asylum.	Article 54, Law 79/2021 on Foreigners, (ALB): https://qbz.gov.al/eli/fz/2021/162/8f6d9e67-0996-44fa-aadb-4a32b30e7fad;q=ligi%20per%20te%20huajt
SDS.4.i		Is there a time limit on access to the SDP?	UNHCR, Good Practices Papers – Action 6 (2020) : Access to the SDP must be guaranteed and not subject to time limits. ENS (2013) : There is no basis in the 1954 Convention to set time limits for individuals to claim statelessness status.	Not yet clear.	TLAS
SDS.4.j		Is there cooperation between agencies that may have contact with stateless people to refer cases for status determination?	UNHCR, Good Practices Papers – Action 6 (2020) : Cooperation between actors working on statelessness and the various government agencies involved in determining statelessness is good practice.	Not yet clear.	TLAS
SDS.5.a	Assessment (Group 1)	Who has the burden of proof in the SDP in law and practice?	UNHCR, Handbook on Protection (2014) : The burden of proof is in principle shared (both applicant and examiner must cooperate to obtain evidence and establish the facts). UNHCR, Good Practices Papers – Action 6 (2020) : SDPs must take into consideration the difficulties inherent in proving statelessness. UNHCR, Geneva Conclusions (2010) : In statelessness determination procedures, the burden of proof should therefore be shared between the applicant and the authorities responsible for making the determination. Individuals must cooperate to establish relevant facts. The burden should shift to the State if an individual can	Not yet clear.	TLAS

			demonstrate they are not a national, on the basis of reasonably available evidence. ECtHR, Hoti v. Croatia (2018) : State has responsibility to at least share the burden of proof with the applicant when establishing the fact of statelessness.		
SDS.5.b		What is the standard of proof? Is it the same as in refugee status determination procedures?	UNHCR, Handbook on Protection (2014) : States are advised to adopt the same standard of proof as in refugee status determination ('reasonable degree'). UNHCR, Good practices in nationality laws (2018) : The standard of proof should be in keeping with the humanitarian objectives of statelessness status determination and the inherent difficulties of proving statelessness in the likely absence of documentary evidence. ECtHR, Hoti v. Croatia (2018) : If statelessness is a relevant factor in the context of access to human rights, the standard of proof when determining the status of statelessness cannot be too high.	Not yet clear.	TLAS
SDS.5.c		What measures are in place to guarantee substantive equality for women, children and other groups (e.g. disabled people, older people, LGBTQI people, etc.) at risk of discrimination in the SDP? In particular, what measures are in place to ensure respect for the best interests of the child in the procedure (burden of proof, guardianship, child-friendly procedures, etc.)?	UNHCR, Handbook on Protection (2014) : Due to discrimination, women might face additional barriers in acquiring documentation (e.g. birth certificates or other identification documents). Children and persons with disabilities may face acute challenges in communicating basic facts with respect to their nationality. States must follow the principle of pursuing the best interests of the child. Additional safeguards for child claimants include priority processing of their claims, appropriately trained professionals and a greater share of the burden of proof by the State. CEDAW, Gen. Rec. 32 (2014) : Nationality laws may discriminate directly or indirectly against women. Legislative provisions that appear gender neutral may in practice have a disproportionate and negative impact on the enjoyment of the right to nationality by women. CRC : Articles 2, 3, 7 and 8 CRPD : Article 18 UNHCR, Best Interests Procedure Guidelines (2021) UNHCR, Roundtable on Protection and Solutions for LGBTQI+ People in Forced Displacement (2021) Global Compact for Safe, Orderly and Regular Migration : Objective 7 UN Women, Gender-responsive implementation of the Global Compact (2021) : States should put in place measures to regularise the status of migrants leading to permanent residence, with specific attention to migrant women and girls who are stateless. European Parliament, Resolution on LGBTIQ rights in the EU (2021) : Calls on Commission and Member States to overcome discrimination against rainbow persons and families.	Not yet clear.	TLAS
SDS.5.d		Is there clear guidance for decision makers on how to determine statelessness (including e.g. sources of evidence and procedures for evidence gathering, etc.)?	ENS (2013) : Determining authorities can benefit from concrete guidance that sets clear benchmarks and pathways for the establishment of material facts and circumstances.	Not yet clear.	TLAS

SDS.5.e		Is there any evidence of significant errors in decision-making?		The SDP has not yet been operationalised.	TLAS
SDS.6.a	Procedural safeguards (Group 1)	Is free legal aid available during the procedure?	UNHCR, Handbook on Protection (2014) : Applicants should have access to legal counsel; where free legal assistance is available, it should be offered to applicants without financial means. ENS (2013) : If state funded legal aid is available, it should be provided to stateless claimants. If there is no state funded legal aid but asylum claimants can access free legal aid free of charge, the same level of access should be provided to stateless people.	Not yet clear. According to the Law on Legal Aid, stateless people who are residing or have entered Albania legally are entitled to State-funded legal aid. It is not yet clear if stateless people who don't meet this requirement will have access to legal aid in the procedure.	TLAS Law no. 111/2017 On State Guaranteed Legal Aid, Article 10: https://euralius.eu/index.php/en/library/albanian-legislation/send/21-legal-aid/232-law-on-legal-aid-en
SDS.6.b		Is an interview always offered (unless granting without interview)?	UNHCR, Handbook on Protection (2014) : The right to an individual interview [is] essential.	Not yet clear.	TLAS
SDS.6.c		Is free interpreting offered for statelessness determination interviews?	UNHCR, Handbook on Protection (2014) : The right to assistance with interpretation/translation [is] essential. ENS (2013) : Assistance should be available for translation and interpretation.	Not yet clear.	TLAS
SDS.6.d		Are there quality assurance audits of the SDP?	UNHCR, Good Practices Papers – Action 6 (2020) : Quality assurance audits of SDPs are considered good practice.	Not yet clear.	TLAS
SDS.6.e		What role does UNHCR play in the proceedings (e.g. access to files, monitoring, training)?	UNHCR, Handbook on Protection (2014) : States are encouraged to guarantee access to UNHCR as a safeguard in the procedure.	Not yet clear.	TLAS
SDS.6.f		Are decisions (refusals and grants) given in writing with reasons?	UNHCR, Handbook on Protection (2014) : States are encouraged to incorporate the safeguard that decisions are made in writing with reasons.	Not yet clear.	TLAS
SDS.6.g		Is there a timeframe for the SDP set in law or policy and is it complied with in practice?	UNHCR, Handbook on Protection (2014) : It is undesirable for a first instance decision to be issued more than six months from submission of an application. In exceptional circumstances it may be appropriate to allow the proceedings to last up to 12 months.	Not yet clear.	TLAS
SDS.6.h		Is there a referral mechanism from refugee status determination procedures to the statelessness procedure (e.g. if refused asylum)?	UNHCR, Good Practices Papers – Action 6 (2020) : Efficient referral mechanisms should be established and officials who may be in contact with stateless persons trained to identify and refer potential applicants. EASO/EUAA, Practical guide on registration (2021) : The country or countries of former habitual residence should be recorded in applications for international protection to facilitate follow-up and referral to a dedicated statelessness determination procedure. Statelessness determination should be carried out only by a competent decision-making authority at an appropriate point in time following the final assessment of an asylum claim. ENS (2013) : Cross-referral systems should exist in cases where the two determination procedures (refugee and stateless) are not conducted in a joint framework.	Not yet clear.	TLAS
SDS.7.a	Protection during SDP (Group 1)	Does the applicant have automatic legal admission while their claim for	UNHCR, Handbook on Protection (2014) : An individual awaiting a decision is entitled, at a minimum, to all rights based on presence and being	Not yet clear.	TLAS

		statelessness status is assessed or is there a risk of expulsion?	‘lawfully in’ the territory (including identity documents, the right to self-employment, freedom of movement, protection against expulsion). It is recommended that applicants for statelessness status receive the same treatment as asylum-seekers. ENS (2013) : States should refrain from expelling or removing an individual pending the outcome of the determination process.		
SDS.7.b		Do applicants for statelessness status have permission to work and access to assistance to meet their basic needs?	UNHCR, Handbook on Protection (2014) : Allowing individuals to engage in wage-earning employment can reduce pressure on State resources and contributes to dignity and self-sufficiency. The status of those awaiting statelessness determination must reflect applicable human rights such as, assistance to meet basic needs.	The Albanian Constitution stipulates that the fundamental rights and freedoms, as well as the obligations provided in the Constitution for Albanian nationals apply equally to foreigners and stateless persons in the territory of the Republic of Albania, except in cases when the Constitution specifically links Albanian nationality with the exercise of certain rights and freedoms. However, there are practical barriers to the exercise of all human rights for stateless persons. Stateless people, including applicants to the SDP based on the interpretation of the law, have the right to reside in the Republic of Albania (Article 39/g & 55) if they have stayed for one year before submitting the application and intend to continue their stay in the Republic of Albania. There are concerns about how stateless people will evidence this one-year stay requirement if they entered irregularly or have no documents to prove their stay.	Article 16/1, Constitution of the Republic of Albania: https://euralius.eu/index.php/en/library/albanian-legislation/send/9-constitution/178-constitution-of-the-republic-of-albania-en TLAS Law 79/2021 on Foreigners, Articles 12, 36, 39, 52, 54, & 55 (ALB): https://qbz.gov.al/eli/fz/2021/162/8f6d9e67-0996-44fa-aadb-4a32b30e7fad;q=ligj%20per%20te%20huajt
SDS.7.c		Do applicants for statelessness status face a risk of detention?	UNHCR, Handbook on Protection (2014) : Routine detention of individuals seeking protection on the grounds of statelessness is arbitrary. Detention is a measure of last resort and can only be justified where other less invasive or coercive measures have been considered and found insufficient to safeguard the lawful governmental objective pursued by detention.	Not yet clear. The Law on Foreigners limits detention in a closed centre to foreigners subject to a deportation order and alternatives to detention have priority, so there should not be a risk of detention for a stateless person who is not subject to a deportation order.	TLAS Law 79/2021 on Foreigners, Article 102 (ALB): https://qbz.gov.al/eli/fz/2021/162/8f6d9e67-0996-44fa-aadb-4a32b30e7fad;q=ligj%20per%20te%20huajt
SDS.8.a	Appeals (Group 1)	Is there an automatic right of appeal?	UNHCR, Handbook on Protection (2014) : An effective right to appeal against a negative first instance decision is an essential safeguard in an SDP.	Not yet clear.	TLAS
SDS.8.b		Is legal aid available for appeals?	UNHCR, Handbook on Protection (2014) : The applicant should have access to legal counsel and, where free legal assistance is available, it should be offered to applicants without financial means. ENS (2013) : Applicants should have access to legal counsel both at first instance and on appeal.	Not yet clear, but stateless people are by law entitled to legal aid at every stage of proceedings.	TLAS Law no. 111/2017 On State Guaranteed Legal Aid: https://euralius.eu/index.php/en/library/albanian-legislation/send/21-legal-aid/232-law-on-legal-aid-en
SDS.8.c		Is there a fee for the appeal application?	UNHCR, Handbook on Protection (2014) : An effective right to appeal against a negative first instance decision is an essential safeguard.	Not yet clear.	TLAS
SDS.9.a	Statelessness status (Group 1)	Does recognition of statelessness result immediately in automatic permission to stay/legal status? If not, please describe any additional requirements, admissibility criteria, grounds for refusal or other steps required to access protection.	UNHCR, Handbook on Protection (2014) : The status granted to a stateless person in a State Party must reflect international standards. Although the 1954 Convention does not explicitly require States to grant a person determined to be stateless a right of residence, granting such permission would fulfil the object and purpose of the treaty.	No. The Albanian Constitution stipulates that the fundamental rights and freedoms, as well as the obligations provided in the Constitution for Albanian nationals apply equally to foreigners and stateless people in the territory of the Republic of Albania, except in cases when the Constitution specifically links Albanian nationality with the exercise of certain rights and freedoms. However, there are practical barriers to the exercise of all human rights for stateless people. The law provides that a stateless person may receive a residence permit on humanitarian grounds if they are stateless and have received statelessness status under the SDP (Article 54 of the Law on Foreigners).	Article 16/1, Constitution of the Republic of Albania: https://euralius.eu/index.php/en/library/albanian-legislation/send/9-constitution/178-constitution-of-the-republic-of-albania-en Law 79/2021 on Foreigners (ALB): https://qbz.gov.al/eli/fz/2021/162/8f6d9e67-0996-44fa-aadb-4a32b30e7fad;q=ligj%20per%20te%20huajt

				It is still unclear what rights will result from the determination of statelessness. The administrative process of registration/application for rights and services in Albania requires a formal procedure, and sometimes mandatory proof of identity or accompanying documents raising concerns about access for stateless people. Stateless persons, persons at risk of statelessness and undocumented persons are unable to access the formal administrative procedure to register/apply and so currently lack access to the rights set in law.	
SDS.9.b		How long is initial status granted for and is it renewable?	UNHCR, Handbook on Protection (2014) : It is recommended that States grant recognised stateless people a residence permit valid for at least two years, although longer permits, such as five years, are preferable in the interests of stability. Permits should be renewable.	Not yet clear.	TLAS
SDS.9.c		Is a travel document issued to people recognised as stateless?	1954 Convention : Article 28.	The Law on Foreigners foresees that the central authority responsible for borders and migration should issue a travel document for travel abroad to a stateless foreigner who is resident in Albania, giving the right to return to Albania within the period of validity. The document is valid for two years. However, there is no evidence from practice to suggest that stateless persons are issued with this travel document and/or allowed to leave the country.	Law 79/2021 on Foreigners, Article 12 (ALB): https://qbz.gov.al/eli/fz/2021/162/8f6d9e67-0996-44fa-aadb-4a32b30e7fad;q=ligj%20per%20te%20huajt TLAS
SDS.9.d		Do people recognised as stateless have a right to family reunification?	UNHCR, Handbook on Protection (2014) : Although the 1954 Convention does not address family unity, States parties are nevertheless encouraged to facilitate the reunification of those with recognised statelessness status in their territory with their spouses and dependents.	Not yet clear.	TLAS
SDS.9.e		On what grounds (if any) may residence status granted to stateless people be revoked?	UNHCR, Handbook on Protection (2014) : If an individual recognised as stateless subsequently acquires or reacquires the nationality of another State, they will cease to be stateless under the 1954 Convention. This may justify the cancellation of a residence permit on the basis of statelessness, although proportionality considerations under international human rights law, such as the right to a private and family life should be taken into account.	Not yet clear.	TLAS
SDS.9.f		Do people granted statelessness status have permission to work?	1954 Convention : Article 17 UNHCR, Handbook on Protection (2014) : The right to work must accompany a residence permit.	It is not yet clear what rights will be attached to statelessness status, but everyone in Albania is entitled to work under the Constitution.	Constitution of the Republic of Albania, Article 57: https://euralius.eu/index.php/en/library/albanian-legislation/send/9-constitution/178-constitution-of-the-republic-of-albania-en
SDS.9.g		Do people granted statelessness status have access to primary, secondary, and higher education?	1954 Convention : Article 22	It is not yet clear what rights will be attached to statelessness status, but everyone in Albania is entitled to education, including higher education, under the Constitution.	Constitution of the Republic of Albania, Article 49: https://euralius.eu/index.php/en/library/albanian-legislation/send/9-constitution/178-constitution-of-the-republic-of-albania-en
SDS.9.h		Do people granted statelessness status have access to social security and healthcare?	1954 Convention : Articles 23 & 24 UNHCR, Handbook on Protection (2014) : The right to work, access to healthcare and social assistance, as well as a travel document must accompany a residence permit.	It is not yet clear what rights will be attached to statelessness status, but stateless people (like refugees) are eligible to apply for social services and are allowed to access public healthcare under the Law on State Social Services.	Law no.121/2016 on State Social Services, Article 5 (ALB): https://qbz.gov.al/eli/ligj/2016/11/24/121-2016/858a0659-03b8-4ef6-982a-dc9340e41d4c;q=ligj%20per%20sherbimet%20e%20kujdesit%20shqeror

<p>SDS.9.i</p>		<p>Are stateless people allowed to vote in local and/or national elections? If yes, are there any additional requirements for stateless people to vote (e.g. permanent residence, identification documents, etc.)? [Section complete, proceed to DET]</p>	<p>1954 Convention: Article 7, States shall accord to stateless persons at least the same treatment as is accorded to foreign nationals.</p>	<p>No. The right to vote in the Republic of Albania is limited only to nationals under the Constitution.</p>	<p>Constitution of the Republic of Albania: https://euralius.eu/index.php/en/library/albanian-legislation/send/9-constitution/178-constitution-of-the-republic-of-albania-en</p>
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Detention

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
DET.1.a	Immigration detention	<p>Please provide a brief overview of whether immigration detention powers are provided for in law and applied in practice, and whether alternatives to detention are considered.</p> <p>Please provide the legal source(s) and, if available, refer to other publications and sources of information about the law, policy, and practice on immigration detention.</p>	<p>ICCPR: Article 9 ECHR: Article 5 EU Return Directive: Article 15 UNHCR, Handbook on Protection (2014): Detention is a measure of last resort and can only be justified where other less invasive or coercive measures have been considered and found insufficient. UN General Assembly (2009): Calls upon all States to adopt alternative measures to detention. HRC, Report of the Special Rapporteur (2012): The obligation to always consider alternatives before resorting to detention should be established by law. International Detention Coalition (2015): Immigration detention should be used only as a last resort in exceptional cases after all other options have been shown to be inadequate in the individual case.</p>	<p>Detention powers are provided for in the Law on Foreigners and are applied in practice. The law foresees that in case a person becomes subject to deportation by the authority responsible for border and migration, they are kept detained in a closed centre until the deportation order is executed. In case of finding other alternative possibilities of implementation of interim measures, as defined, the latter have priority over detention (Article 102).</p> <p>Interim measures are taken by the local authority responsible for the border and migration to prepare or ensure the implementation of an order for the expulsion of the foreigner from the territory or to supervise their departure. Interim measures are taken as alternatives to detention in a closed centre, subject to deportation, based on a case-by-case review, without affecting the guarantee of the execution of the deportation order. Interim measures can be taken after the deportation order is issued, and, if necessary, they can replace the detention measure in the closed centre, after the latter has been executed. The criteria, procedures and form of the interim measure order are to be approved by an instruction of the Minister of Interior which has not yet been drafted at the time of writing (Article 109).</p> <p>Article 115 of the law stipulates that detention in a closed centre is the last administrative measure taken and executed against a foreigner for whom an expulsion order has been issued, based on a case-by-case assessment, when all possible alternative measures have been exhausted, or when the assessment considers that these measures cannot be applied based on readmission agreements in force. Based on the law, the foreigner is detained in a closed centre, especially set up for this purpose, for the shortest possible time, until the legal procedures are completed, to enable their departure from Albania within the deadlines set out in law. The state authority responsible at the regional level for the treatment of foreigners may detain in a closed centre for reasons of public safety where identity or reasons for stay are unclear. The foreigner is notified in writing, in a language they understand or at least in English.</p> <p>The most recent monitoring of the detention facility was done in June 2022 by the Ombudsperson.</p>	<p>Law 79/2021 on Foreigners, (ALB): https://qbz.gov.al/eli/fz/2021/162/8f6d9e67-0996-44fa-aadb-4a32b30e7fad;q=ligj%20per%20te%20huajt</p> <p>Special report of Ombudsperson, Mechanism for protection from Torture (2022:) https://www.avokatipopullit.gov.al/media/manager/website/reports/Raporti%20CPT.pdf</p>
DET.1.b		<p>Does a proposed country of removal need to be identified before a person is detained for removal? Please describe the situation in law and in practice.</p>	<p>ICCPR: Repeated attempts to expel a person to a country that refuses to admit them could amount to inhuman or degrading treatment (Article 7). ECtHR, Auad v. Bulgaria (2011): In cases of detention with a view to deportation, lack of clarity as to the destination country could hamper effective control of the authorities' diligence in handling the deportation. EU Return Directive: Any detention shall only be maintained as long as removal arrangements are in progress and executed with due diligence.</p>	<p>No, the deportation order is notified in writing to the foreigner in a language they understand or at least in English and contains:</p> <ol style="list-style-type: none"> personal data of the deported person; the reasons for which the deportation order was issued; the period of prohibition of entry into Albania; only in case of readmission, the state where this readmission will take place; date of departure; the manner of execution; the border crossing point from which they will leave (Article 105) 	<p>Law 79/2021 on Foreigners, Article 105 (ALB): https://qbz.gov.al/eli/fz/2021/162/8f6d9e67-0996-44fa-aadb-4a32b30e7fad;q=ligj%20per%20te%20huajt</p>

DET.1.c		Is there a clear obligation on authorities to release a person when there is no reasonable prospect of removal?	<p>EU Return Directive: When it appears that a reasonable prospect of removal no longer exists, detention ceases to be justified and the person concerned shall be released immediately.</p> <p>UN Working Group on Arbitrary Detention (2018): When the obstacle for identifying or removal of persons in an irregular situation from the territory is not attributable to them, the detainee must be released to avoid potentially indefinite detention from occurring, which would be arbitrary.</p> <p>ECtHR, Auad v. Bulgaria (2011)</p> <p>ECtHR, Mikolenko v. Estonia (2009)</p>	No, there is no specific stipulation in law relating to prospect of removal, however the law stipulates that during the period of detention in the closed centre, the authority responsible for the border and migration, in cooperation with the authority of the closed centre, examines the existence of conditions for keeping the detained foreigner in the centre. Depending on the assessment of the situation, the authority responsible for the border and migration may decide to replace the measure of detention at the centre with appropriate temporary measures as set out in law.	Law 79/2021 on Foreigners, Article 117/4 (ALB): https://qbz.gov.al/eli/fz/2021/162/8f6d9e67-0996-44fa-aadb-4a32b30e7fad;q=ligj%20per%20te%20huajt
DET.2.a	Identification of statelessness	Is statelessness juridically relevant in decisions to detain? Please describe how (risk of) statelessness is identified and whether referral to an SDP is possible from detention.	<p>ECtHR, Auad v. Bulgaria (2011)</p> <p>ECtHR, Mikolenko v. Estonia (2009): Detention may only be justified as long as deportation proceedings are being conducted with due diligence.</p> <p>UNHCR, Handbook on Protection (2014): Routine detention of individuals seeking protection on the grounds of statelessness is arbitrary.</p> <p>CMW, General comment No. 5 (2021): States should avoid detaining migrants who have specific needs, which includes stateless persons. States should also be aware that stateless persons find themselves in a vulnerable situation, given that consular assistance and protection are unavailable due to their status. Statelessness determination procedures are essential, given that the lack of a country of nationality to be returned to leaves stateless persons at higher risk of arbitrary and indefinite detention.</p> <p>Equal Rights Trust, Guidelines (2012): States must identify stateless persons within their territory or subject to their jurisdiction as a first step towards ensuring the protection of their human rights.</p> <p>ICJ, Migration and International Human Rights Law (2014): The detention of stateless persons can never be justified when there is no active or realistic progress towards transfer to another State.</p>	<p>Not currently. Law no 79/2021 which entered into force in November 2021 established a statelessness determination procedure and provides for the issuance of a dedicated instruction to regulate the procedure, but this has not yet been operationalised.</p> <p>Currently, and according to available information, statelessness is not identified in detention decisions. The authorities rely exclusively on the documents the person might possess and their declaration and/or communication with the border police based on the documents used when crossing the border.</p>	<p>TLAS information gathered from review of state officials practice and shared information with partners.</p> <p>Law 79/2021 on Foreigners, (ALB): https://qbz.gov.al/eli/fz/2021/162/8f6d9e67-0996-44fa-aadb-4a32b30e7fad;q=ligj%20per%20te%20huajt</p>
DET.2.b		Is there a definition of vulnerability in law? If yes, does it explicitly include statelessness? If not, please note whether statelessness is considered to be a factor increasing vulnerability.	<p>PICUM, Preventing and Addressing Vulnerabilities in Immigration Enforcement Policies (2021): Statelessness should be explicitly included in the definition of vulnerability. Vulnerability should always be determined and assessed on an individual basis.</p>	<p>The law provides a definition of a vulnerable person, which includes foreign minors, unaccompanied minors, persons with disabilities, the elderly, pregnant women, single parents with minor children, as well as persons who have been subjected to torture, rape or other forms of torture or other serious psychological, physical and sexual abuse, migrants who due to their specific situation are unable to enjoy their rights and are in particularly delicate conditions, such as domestic workers, migrants with a certain sexual orientation, migrants in serious health condition and those with disabilities (Article 3/31).</p> <p>This definition does not include stateless persons.</p>	Law 79/2021 on Foreigners, Articles 3/31 & 115/3 (ALB): https://qbz.gov.al/eli/fz/2021/162/8f6d9e67-0996-44fa-aadb-4a32b30e7fad;q=ligj%20per%20te%20huajt
DET.2.c		Are individual vulnerability assessments carried out before a decision to detain (or soon after)?	<p>ENS, Protecting Stateless Persons From Arbitrary Detention (2015): Arbitrary and disproportionately lengthy detention can ensue when the particular vulnerabilities of stateless people are not addressed.</p> <p>EU Return Directive: Article 16(3)</p> <p>EU Return Handbook (2017): Attention should be paid to the specific situation of stateless persons.</p>	There are no legal provisions or instructions on how vulnerability considerations are assessed, so practice is unclear.	<p>Law 79/2021 on Foreigners, Articles 3/31 & 115/3 (ALB): https://qbz.gov.al/eli/fz/2021/162/8f6d9e67-0996-44fa-aadb-4a32b30e7fad;q=ligj%20per%20te%20huajt</p> <p>TLAS</p>

			<p>Council of the European Union, Guidelines to promote and protect the enjoyment of all human rights by LGBTI persons (2013): European entities should assess the situation of LGBTI persons in detention.</p> <p>PICUM, Preventing and Addressing Vulnerabilities in Immigration Enforcement Policies (2021): There should be a clear legal obligation to screen and assess individuals' vulnerability before a decision to detain is taken and before individuals are placed into situations of deprivation or restriction of liberty.</p>		
DET.2.d		Are stateless people detained in practice?	As above.	There is no data to indicate that stateless people are detained in practice. However, as there are no specific juridical considerations given to statelessness in the deportation and detention procedure, it cannot be excluded that there may be cases of stateless people detained. The Ombudsperson has the authority to make periodic visits to detention centres and there are some reports and recommendations addressed to the closed centre of detention for foreigners . None of the reports identify any issues regarding statelessness nor any recommendations.	Reports of Albanian Ombudsperson (ALB): https://www.avokatipopullit.gov.al/sq/categories/mechanisms-against-torture/police/article
DET.3.a	Procedural safeguards	Are there adequate procedural safeguards in place for individuals in immigration detention (e.g. maximum period of detention, automatic release at the end, decisions in writing, regular periodic reviews, judicial oversight, legal aid, etc.)?	<p>ICCPR: Article 9(4)</p> <p>ECHR: Article 5(4)</p> <p>EU Return Directive: Articles 12, 13 and 15(5)</p> <p>HRC, Report of the Working Group on Arbitrary Detention (2010): A maximum period of detention must be established by law and upon expiry the detainee must be automatically released.</p> <p>CMW, General comment No. 5 (2021): States parties are obligated to adopt legislative and other measures, allocate adequate resources, and provide relevant training to comply with the CMW. There should be a maximum period for immigration detention established in legislation, with automatic release at the end of that period, and which precludes re-detention. States should also be aware that stateless persons find themselves in a vulnerable situation, given that consular assistance and protection are unavailable due to their status.</p> <p>UNHCR, Detention Guidelines (2012): To guard against arbitrariness, maximum periods of detention should be set in national law.</p> <p>UNHCR, Handbook on Protection (2014): Judicial oversight of detention is always necessary and detained individuals need to have access to legal representation, including free counselling for those without means.</p> <p>UNGA, Body of Principles (1988): Anyone who is arrested shall be informed at the time of the reason for his arrest.</p> <p>Equal Rights Trust, Guidelines (2012): Stateless detainees shall receive their order of detention in writing and in a language they understand. To avoid arbitrariness, detention should be subject to automatic, regular and periodic review throughout the period of detention, before a judicial body independent of the detaining authorities. Detention should always be for the shortest time possible.</p>	<p>Article 117 of the law provides for a maximum period of time of up to 6 months. At the proposal of the centre authority, the central authority responsible for borders and migration may extend this for up to a further 6 months if departure has been impossible due to the individual refusing to provide personal data, information, or travel documents necessary for return or providing false information; the individual preventing or blocking return; a justified delay in a foreign authority issuing documents necessary for return. The law puts the burden on the individual to prove their identity, which leads to the extension of detention.</p> <p>Article 115/4 stipulates that the foreigner is notified in writing, in the language they understand or at least in English, of the detention order in a closed centre. The notification contains the reason for detention, the terms of detention, the right to legal representation with a lawyer chosen by them or ex-officio, as well as to contact their relatives.</p> <p>There are no provisions for ex officio regular periodic reviews of detention but the individual has the right to appeal the detention order to the district court at any time after the written notification of the detention or the extension of the detention. The court examines with priority the legality of the measure and decides between their detention in a closed centre or their release. The appeal against the court decision is made within the usual deadlines set in the legislation.</p> <p>The Ombudsperson's latest report urges the authorities to take action to ensure access to rights and information for detainees, which indicates that implementation is problematic. There are also barriers to accessing legal aid (see DET.3.g).</p> <p>The Law on State Guaranteed Legal Aid defines the forms, conditions, procedure, rules, and beneficiaries of state legal aid. Legal aid is guaranteed to Albanian nationals residing or staying in Albania; foreign nationals or stateless persons with a temporary or permanent residence permit;</p>	<p>Law 79/2021 on Foreigners, Articles 117 & 115/4 (ALB): https://qbz.gov.al/eli/fz/2021/162/8f6d9e67-0996-44fa-aadb-4a32b30e7fad;q=ligj%20per%20te%20huajt</p> <p>Monitoring report of Ombudsperson, 2020 (ALB): https://www.avokatipopullit.gov.al/media/manager/website/reports/Raporti%20Vjetor%20i%20veprimtarise%20se%20institucionit%20te%20Avokatit%20te%20Popullit%20-%20viti%202020.pdf</p> <p>Law no. 111/2017 On State Guaranteed Legal Aid, Article 10: https://euralius.eu/index.php/en/library/albanian-legislation/send/21-legal-aid/232-law-on-legal-aid-en</p>

			<p>International Commission of Jurists, Migration and International Human Rights Law: A Practitioners' Guide (2014): The authorities shall ensure that sufficient information is available to detained persons in a language they understand on the nature of their detention and reasons for it.</p> <p>ECtHR, Kim v. Russia (2014): The purpose of Article 5(4) ECHR is to guarantee to persons who are detained the right to judicial supervision of the lawfulness of the measure.</p>	<p>foreign nationals or stateless persons who entered legally and benefit on the basis of international agreements or the principle of reciprocity; asylum seekers, refugees and those appealing asylum/revocation decisions.</p> <p>People who enter or stay irregularly or are undocumented or subject to a deportation order or are detained are not entitled to legal aid. Stateless people are entitled to legal aid but without an SDP, they face obstacles to accessing legal aid. A Decision of the Council of Ministers and the Internal Regulation of the Closed Centre provide that detainees accommodated in the closed centre have the right to receive individual medical, legal and social assistance. The Ombudsperson has reported shortcomings and violations in the provision of health, psychosocial and legal service in the closed centre.</p>	<p>Decision of the Council of Ministers (DCM) and Internal Regulation of the Closed Centre, approved by Order No. 117 of 09.02.2010 of the General Director of the State Police</p> <p>Monitoring report of Ombudsperson, 2019, p.6 (ALB): https://www.avokatipopullit.gov.al/media/manager/website/medija/Rekomandim%20mbi%20inspektimin%20e%20qendres%20se%20mbyllur%20per%20te%20huajt%20KAREC.pdf</p>
DET.3.b		<p>Are detainees provided with information on their rights, contact details of legal advice and support providers, and guidance on how to access an SDP?</p>	<p>Equal Rights Trust, Guidelines (2012): Detaining authorities are urged to provide stateless detainees with a handbook in a language and terms they understand, containing information on all their rights and entitlements, contact details of organisations which are mandated to protect them, NGOs and visiting groups and advice on how to challenge the legality of their detention and their treatment as detainees.</p>	<p>As the new SDP procedure has not yet been implemented, there is no information and guidance on accessing a procedure to determine statelessness. The law states that detainees must be provided in the language they understand, or at least in English, with information about any action by the responsible authorities to keep them in the centre. Detainees have the right to humane treatment with adequate food, legal assistance at all times, healthcare, to inform their consular representative, and to appeal to the district court for a violation of fundamental rights at the detention centre. The Ombudsperson made a clear recommendation about detainees' access to rights during their last monitoring visit to the only closed centre in Albania (located in Karrec). They recommended the responsible authority take immediate steps to make available to persons deprived of their liberty comprehensive documentation, access to rights and rules of life in the centre in a language understandable to all and improve the dissemination of information for asylum seekers and vulnerable groups.</p> <p>The Council of Europe's Committee for the Prevention of Torture (CPT) report on its first and only visit to Albania (including Karrec) in November 2018 stressed that "all foreign nationals interviewed by the delegation complained vigorously about the almost total lack of information about their rights and the legal procedures applied to them. The CPT recommends that the Albanian authorities ensure that all foreign nationals are expressly informed, without delay and in a language they understand, of their rights and the procedure applicable to them (including any legal remedies)".</p>	<p>Special report of Ombudsman, Mechanism for protection from Torture (2018): https://www.avokatipopullit.gov.al/media/manager/website/reports/Perfundimtar%20Raporti%20Vjetor%20i%20MKPT-%202018.pdf</p> <p>CPT Report, 2018, p.6: https://rm.coe.int/168097986b</p>
DET.3.c		<p>Are there guidelines in place governing the process of re-documentation and ascertaining entitlement to nationality for the purpose of removal?</p>	<p>Equal Rights Trust, Guidelines (2012): The inability of a stateless person to cooperate with removal proceedings should not be treated as non-cooperation.</p> <p>ENS, Protecting Stateless Persons From Arbitrary Detention (2015): The detaining state should have rules in place that govern the process of re-documentation and/ or ascertaining entitlement to nationality.</p>	<p>There are no such rules and guidelines in place.</p>	
DET.4.a	<p>Protections on release</p>	<p>Are people released from detention issued with identification documents (including confirmation of their statelessness status) and protected from re-detention?</p>	<p>1954 Convention: Article 27</p> <p>UNHCR, Handbook on Protection (2014): Being undocumented cannot be used as a general justification for detention.</p> <p>CMW, General comment No. 5 (2021): There should be a maximum period for immigration detention</p>	<p>No. The new SDP has not yet been implemented.</p>	<p>TLAS</p>

			<p>established in legislation, with automatic release at the end of that period, and which precludes re-detention. Statelessness determination procedures are essential, given that the lack of a country of nationality to be returned to leaves stateless persons at higher risk of arbitrary and indefinite detention. Detaining stateless persons when there is no real prospect of removal would render the detention arbitrary, and the detained stateless person must therefore be immediately released.</p> <p>ENS, Protecting Stateless Persons From Arbitrary Detention (2015): State parties to the 1954 Convention have an obligation to provide stay rights to stateless people who have been released from detention.</p> <p>Equal Rights Trust, Guidelines (2012): Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation.</p>		
DET.4.b		<p>If the purpose of detention cannot be fulfilled and the person is released, what legal status and rights are provided to them in law?</p>	<p>CJEU, Kadzoev, C-357/09 PPU (2009): After the maximum period of detention has expired, the person must be released immediately. A lack of valid documentation or inability to support themselves should not be a deterrent to release.</p> <p>Equal Rights Trust, Guidelines (2012): Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation.</p>	<p>During the period of detention in the closed centre, the authority responsible for borders and migration, in cooperation with the authority of the closed centre, examines the existence of conditions for keeping the detained foreigner in the centre. Depending on the assessment, the authority responsible for the borders and migration may decide to replace detention with appropriate temporary measures. Temporary measures that replace detention do not affect the guarantee of execution of the deportation order, so the individual continues to hold the same legal status and rights, which do not change.</p>	<p>Law 79/2021 on Foreigners, Articles 114-122 (ALB): https://qbz.gov.al/eli/fz/2021/162/8f6d9e67-0996-44fa-aadb-4a32b30e7fad;q=ligj%20per%20te%20huajt</p>
DET.5.a	Return and readmission agreements	<p>Is statelessness considered a juridically relevant fact in any bilateral readmission and/or return agreements?</p>	<p>UNHCR, Handbook on Protection (2014): Efforts to secure admission or readmission may be justified but these need to take place subsequent to a determination of statelessness.</p> <p>UNCRC, MKAH v Switzerland, no 95/2019 (2021): The State in which a stateless child applies for international protection has an obligation under Article 7 CRC to consider whether, if the child was returned to another country, their right to a nationality would be fulfilled (as well as other rights under the CRC).</p>	<p>No. Statelessness is not considered in any bilateral readmission/return agreements.</p>	<p>TLAS</p>
DET.5.b		<p>Are you aware of cases of stateless people being returned under such agreements?</p>		<p>No information available.</p>	<p>TLAS research and shared information from other partners.</p>

Prevention and Reduction

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
PRS.1.a	Naturalisation	In what timeframe do stateless people who are residing on the territory acquire the right to apply for naturalisation, and how does this compare to others with a foreign nationality?	1954 Convention : Article 32 UNHCR, Good Practices Papers – Action 6 (2020) : It is recommended that States Parties facilitate, as far as possible, the naturalisation of stateless persons. CoE Committee of Ministers, Recommendation No. R (99) 18 (1999) : Each State should facilitate the acquisition of its nationality by stateless persons lawfully and habitually resident on its territory. ENS (2013) : The main benchmark is if there is any preferential treatment for stateless people compared to the general rules applied to those with a foreign nationality.	A stateless person may naturalise as Albanian if they have resided for a continuous period of not less than seven years on the territory of the Republic of Albania, and have a permanent residence permit valid at the time of the application, according to the Law on Nationality.	Law On Nationality, Article 8/2 (ALB): https://qbz.gov.al/eli/ligj/2020/07/29/113/55eae8f6-f942-4df2-9481-41b8463bbf62;q=ligj%20per%20shtetesine
PRS.1.b		Are there requirements relating to 'good character' or previous criminal convictions that could prevent some stateless people from naturalising? If yes, please describe.	CoE Committee of Ministers, Recommendation No. R (99) 18 (1999) : States should ensure that offences, when relevant for the decision concerning the acquisition of nationality, do not unreasonably prevent stateless persons seeking the nationality of a state.	Yes. A stateless person may only naturalise as Albanian if they: - Have not been convicted by a final court decision in their country, in the Republic of Albania or in any third country for criminal offences, for which Albanian law provides a sentence of not less than three years of imprisonment. Exception to this rule is made only in those cases when it is proven that the sentence was given for political motives; - Do not pose a threat to public order and national security of the Republic of Albania. Stateless people are not required to fulfil any other conditions to naturalise. There is no stipulation for a fee in law, but applicants currently pay approximately 90 EUR in practice.	Law On Nationality, Article 8/2 (ALB): https://qbz.gov.al/eli/ligj/2020/07/29/113/55eae8f6-f942-4df2-9481-41b8463bbf62;q=ligj%20per%20shtetesine
PRS.1.c		Are there exemptions for stateless people from any nationality or integration test, language, income or fee requirements for naturalisation? Please describe the requirements and cost of the procedure for stateless adults and children, and any direct or indirect barriers to naturalisation caused by discriminatory laws, policies, or practices.	1954 Convention : Article 32 UNHCR, Good Practices Papers – Action 6 (2020) : It is recommended that States Parties facilitate, as far as possible, the naturalisation of stateless persons. CoE Committee of Ministers, Recommendation No. R (99) 18 (1999) : Each State should facilitate the acquisition of its nationality by stateless persons lawfully and habitually resident on its territory. UNHCR, Background Note on Discrimination in Nationality Laws and Statelessness (2021) : States should remove or amend discriminatory legal provisions, rules, policies, or practices that directly or indirectly act as barriers to naturalisation.	Yes. A stateless person may naturalise if they have resided in Albania for seven years, have not been convicted of a crime and do not pose a threat to national security. The cost of the application is approximately 90 EUR (see PRS.1.b). A stateless person is exempted from the following requirements for naturalisation set in law: a) has reached the age of 18 (eighteen) years; b) has legal capacity to act; ç) has a dwelling in accordance with the standards of approved residence in the Republic of Albania; d) has income and financial resources sufficient for living in the Republic of Albania; e) has knowledge of the Albanian language, spoken and written, certified by the relevant educational institution, as well as basic knowledge of the history of Republic of Albania.	Law On Nationality, Article 8 (ALB): https://qbz.gov.al/eli/ligj/2020/07/29/113/55eae8f6-f942-4df2-9481-41b8463bbf62;q=ligj%20per%20shtetesine Instruction no. 271, dated 1.7.2021 On Determination of service tariffs for acquisition of nationality, naturalisation, renunciation and revocation of Albanian citizenship (ALB): https://qbz.gov.al/eli/fz/2021/162/8f6d9e67-0996-44fa-aadb-4a32b30e7fad;q=UDH%C3%8BZIM%20Nr.%20271,%20dat%C3%AB%201.7.2021%20P%C3%8BR%20P%C3%8BRCAKTIMIN%20E%20TARIFAVE%20T%C3%8B%20SH%C3%8BRBIMIT%20P%C3%8BR%20APLIKIM%20P%C3%8BR%20FITIMIN,%20RIFITIMIN%20DHE%20HEQJEN%20DOR%C3%8B%20NGA%20SHTET%C3%8BSIA%20SHQIPTARE
PRS.2.a	Stateless born on territory	Is there a provision in law for stateless children born on the territory to acquire nationality? [If yes, continue to PRS2b. If no, proceed to PRS2i]	1961 Convention : Article 1 ECN : Article 2 CRC : Article 7 Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC : States should strengthen measures to grant nationality to children born in their territory in situations where they would otherwise be stateless. HRC, CCPR General comment No. 17 (1989) : States are required to adopt every appropriate measure, both internally and in cooperation with other	Yes. The Albanian law "On Nationality" stipulates that: 'A child born or found within the territory of the Republic of Albania and who may remain stateless acquires Albanian nationality'.	Law On Nationality, Article 7/1 (ALB): https://qbz.gov.al/eli/ligj/2020/07/29/113/55eae8f6-f942-4df2-9481-41b8463bbf62;q=ligj%20per%20shtetesine

			States, to ensure that every child has a nationality when he is born. European Parliament resolution (2018) : The EU and its MS should ensure that childhood statelessness is adequately addressed in national laws in full compliance with Article 7 CRC.		
PRS.2.b		Is the provision for otherwise stateless children to acquire nationality automatic or non-automatic (i.e. by application)?	UNHCR, Guidelines on Statelessness No. 4 (2012) : The 1961 Convention provides Contracting States with two alternatives for granting nationality to otherwise stateless children born in their territory: either automatic acquisition upon birth or upon application. ENS, No Child Should Be Stateless (2015) : The 1961 Convention and the European Convention on Nationality oblige the conferral of nationality to otherwise stateless children born on the territory. The optimal method is to grant nationality automatically at birth.	The provision is automatic once proven at registration that the child is born on the territory and 'may remain stateless'. These facts are proven by the birth notification certificate and the child is registered immediately.	Law On Nationality, Article 7/1 (ALB): https://qbz.gov.al/eli/ligj/2020/07/29/113/55eae8f6-f942-4df2-9481-41b8463bbf62;q=ligj%20per%20shtetesine Articles 40-41, Law no.10129 of 11.05.2009 On Civil Status, as amended by Decision no. 52 of 1.12.2011 of the Constitutional Court, with Law no. 135/2013 and Law no. 134/2016 and Law no. 69/2018 (ALB): https://qbz.gov.al/eli/ligj/2009/05/11/10129/c3ee244a-d790-4989-9a33-14ec398126c5;q=ligj%20per%20gjendjen%20civile
PRS.2.c		Are parents provided with information about their child's nationality rights and relevant procedures, including where the child would otherwise be stateless or has undetermined nationality?	UNHCR, Guidelines on Statelessness No. 4 (2012) : Contracting States are obliged to provide detailed information to parents of children who would otherwise be stateless or of undetermined nationality about the possibility of acquiring the nationality, how to apply and about the conditions which must be fulfilled. If the child concerned can acquire the nationality of a parent immediately after birth, States that opt to not grant nationality to children in these circumstances must assist parents in initiating the relevant procedure with the authorities of their State or States of nationality.	There is not a specific mandatory obligation in law to inform parents. In practice, parents will usually receive this information verbally at the civil status office.	TLAS
PRS.2.d		Is it a requirement that the parents are also stateless for the otherwise stateless child to acquire nationality?	UNHCR, Guidelines on Statelessness No. 4 (2012) : The test is not an inquiry into whether a child's parents are stateless. ENS, No Child Should Be Stateless (2015) : Only allowing access to nationality for stateless children whose parents are stateless fails to account for the circumstance where the parents hold a nationality but are unable to pass this on.	No. Statelessness of the parents might be one of the reasons, but the provision is not limited to this. Albanian nationality is granted to the otherwise stateless child for every reason that might leave them stateless. The law is silent on how a parent might prove their statelessness. Based on practice, the authorities should act on the basis of parents' declarations.	Article 7/1 of law no. 113/2020 "On Nationality"(ALB): https://qbz.gov.al/eli/ligj/2020/07/29/113/55eae8f6-f942-4df2-9481-41b8463bbf62;q=ligj%20per%20shtetesine .
PRS.2.e		Are stateless children required to prove they cannot access another nationality to acquire the nationality of the country of birth? If yes, please describe how this is determined in practice.	UNHCR, Guidelines on Statelessness No. 4 (2012) : A Contracting State cannot avoid the obligations to grant its nationality to a person who would otherwise be stateless based on its own interpretation of another State's nationality laws. The burden of proof must be shared between the claimant and the authorities, but in the case of children the State assumes a greater share of the burden of proof. Decision-makers must consider Articles 3 & 7 CRC and adopt an appropriate standard of proof. Special procedural considerations to address the acute challenges faced by children in communicating basic facts about their nationality should be respected.	No.	TLAS

PRS.2.f		Is a stateless child born on the territory required to fulfil a period of residence to be granted nationality? If yes, please specify length and if this must be legal residence.	<p>1961 Convention: Article 1(2) UNHCR, Guidelines on Statelessness No. 4 (2012): States may stipulate that an otherwise stateless individual born in its territory fulfils a period of 'habitual residence' (understood as stable, factual residence, not legal or formal residence) not exceeding five years preceding an application nor ten years in all. CRC: Articles 3 & 7 Committee on the Rights of the Child, Concluding observations on the Netherlands (2015): Recommends the State party ensure that all stateless children born in its territory, irrespective of residency status, have access to nationality without any conditions. ECN: Article 6(2)(b)</p>	No.	TLAS
PRS.2.g		Are the parents of a stateless child required to fulfil a period of residence for the child to be granted nationality? If yes, please specify length and if this must be legal residence.	<p>Committee on the Rights of the Child, Concluding observations on Czech Republic (2011): The outcome of an application by the parents of a child born on the territory should not prejudice the right of the child to acquire the nationality of the State. ENS, No Child Should Be Stateless (2015): Demanding that the child or their parents reside lawfully on the territory is prohibited by the 1961 Convention.</p>	No. Granting of nationality is automatic once proven that the child is born on the territory and may remain stateless based on any reason that is presented. This is not related to the residency of the parents or child.	Article 7/1 of law no. 113/2020 "On Nationality" (ALB): https://qbz.gov.al/eli/ligj/2020/07/29/113/55eae8f6-f942-4df2-9481-41b8463bbf62;q=ligj%20per%20shtetesine
PRS.2.h		What are the age limits and fees (if any) for making an application for nationality for a stateless person born on the territory?	<p>1961 Convention: Article 1(2) UNHCR, Guidelines on Statelessness No. 4 (2012): Contracting States need to accept applications lodged at a time beginning not later than the age of 18 and ending not earlier than the age of 21. Where Contracting States grant nationality to individuals who would otherwise be stateless upon application, they are encouraged to accept such applications free of charge. ENS, No Child Should Be Stateless (2015): Closing the window of opportunity to apply for a nationality has the effect of leaving it in the hands of parents to take the necessary steps to secure a nationality for their child.</p>	There is no age limit and no fees.	Article 7/1 of law no. 113/2020 "On Nationality" (ALB): https://qbz.gov.al/eli/ligj/2020/07/29/113/55eae8f6-f942-4df2-9481-41b8463bbf62;q=ligj%20per%20shtetesine
PRS.2.i		Are there specific provisions to protect the right to a nationality of children born to refugees?	<p>UNHCR, Guidelines on Statelessness No. 4 (2012): Where the nationality of the parents can be acquired through a registration or other procedure, this will be impossible owing to the very nature of refugee status which precludes refugee parents from contacting their consular authorities.</p>	There are no specific provisions to protect the right to a nationality of children born to refugees.	Articles 40-41, Law no.10129 of 11.05.2009 On Civil Status, as amended by Decision no. 52 of 1.12.2011 of the Constitutional Court, with Law no. 135/2013 and Law no. 134/2016 and Law no. 69/2018 (ALB): https://qbz.gov.al/eli/ligj/2009/05/11/10129/c3ee244a-d790-4989-9a33-14ec398126c5;q=ligj%20per%20gjendjen%20civile
PRS.3.a	Foundlings	Are foundlings granted nationality automatically by law? If not automatic, please describe the procedure.	<p>1961 Convention: Article 2 ECN: Article 6(1)(b)</p>	Yes. The law stipulates that 'A child born or found within the territory of the Republic of Albania and who may remain stateless acquires Albanian nationality'.	Article 7/1 of law no. 113/2020 "On Nationality" (ALB): https://qbz.gov.al/eli/ligj/2020/07/29/113/55eae8f6-f942-4df2-9481-41b8463bbf62;q=ligj%20per%20shtetesine
PRS.3.b		Is there an age limit (e.g. 'new-born' or 'infant') in law or practice specifying when a foundling would qualify for nationality?	<p>UNHCR, Guidelines on Statelessness No. 4 (2012): At a minimum, the safeguard should apply to all young children who are not yet able to communicate information about the identity of their parents or their place of birth.</p>	No.	Article 7/1 of law no. 113/2020 "On Nationality" (ALB): https://qbz.gov.al/eli/ligj/2020/07/29/113/55eae8f6-f942-4df2-9481-41b8463bbf62;q=ligj%20per%20shtetesine

PRS.3.c		Can nationality be withdrawn from foundlings if this leads to statelessness?	UNHCR, Guidelines on Statelessness No. 4 (2012) : Nationality acquired by foundlings may only be lost if it is proven that the child possesses another nationality.	Albanian nationality cannot be withdrawn without the promise of acquiring another nationality or if this leads to statelessness. Under Article 7/1, if the parents of the foundling are known before the child has reached the age of 14, and they have a foreign nationality, Albanian nationality may be waived on request of the parents provided that this does not leave the child stateless. Article 13/b contains the explicit safeguard against statelessness. It stipulates that 'A person can renounce Albanian nationality when they make an application and do not remain stateless as a result of renouncing Albanian nationality'.	Article 7/1 and article 13/b of law no. 113/2020 "On Nationality" (ALB): https://qbz.gov.al/eli/ligj/2020/07/29/113/55eae8f6-f942-4df2-9481-41b8463bbf62;q=ligj%20per%20shtetesine
PRS.4.a	Adoption	Where a child national is adopted by foreign parent(s), does the child lose their original nationality before the new nationality is acquired?	1961 Convention : Article 5 ENS, No Child Should Be Stateless (2015) : Children may be exposed to a (temporary) risk of statelessness during the adoption process due to the nationality law of the child's country of origin.	According to the nationality law, a child can no longer retain Albanian nationality when adopted by foreign parents if they acquire their adoptive parents' nationality. The loss of Albanian nationality applies only after the child acquires the nationality of their adopted parents.	Article 14/2 of law no. 113/2020 "On Nationality" (ALB): https://qbz.gov.al/eli/ligj/2020/07/29/113/55eae8f6-f942-4df2-9481-41b8463bbf62;q=ligj%20per%20shtetesine
PRS.4.b		Does a foreign child adopted by national parents acquire nationality? Please specify any age limits and/or risk of statelessness during the adoption process.	ECN : Article 6(4)(d) Committee on the Rights of the Child, Concluding Observations on Switzerland (2015) : Ensure that the child is not stateless or discriminated against during the waiting period between arrival and formal adoption.	Article 4 of Albanian nationality law provides that adoption is one of the ways of acquiring of Albanian nationality. Article 10 regulates the acquisition of nationality by confirming that the adopted child acquires Albanian nationality if the adopter has Albanian nationality. In case of adoption by two Albanian spouses of a child with other nationality or stateless, the child acquires Albanian nationality. The adopted child acquires Albanian nationality even when only one of the spouses is an Albanian national, as well as in any other case when the child risks becoming stateless as a result of the adoption. The necessary documentation for the acquisition of Albanian nationality by adoption, according to the provisions of the article, is determined by instruction no. 65, dated 4 February 2021 of the Minister of Interior. The adoption is carried out through a court decision and Albanian nationality is granted to the child once the court decision is final. A Court decision becomes final 15 days after the notification of the court decision and if the case is not appealed in a higher court. Otherwise, the Appeal Court decision is final.	Articles 4 & 10 of law no. 113/2020 "On Nationality" (ALB): https://qbz.gov.al/eli/ligj/2020/07/29/113/55eae8f6-f942-4df2-9481-41b8463bbf62;q=ligj%20per%20shtetesine Instruction no. 65, dated 4.2.2021 (ALB): https://qbz.gov.al/eli/fz/2021/22/b0b1b6c4-b007-43be-bd48-50f4f5269c52;q=udhezimNr.%2065,%20dat%C3%AB%204.2.2021 Articles 442 onwards, Civil Procedural Code (ALB): https://qbz.gov.al/preview/63ca3bd6-ed1c-42d4-a44f-05c970f7714d .
PRS.5.a	Ius sanguinis	Can children born to nationals abroad acquire nationality by descent (<i>ius sanguinis</i>) in general and/or if they would otherwise be stateless?	1961 Convention : Article 4 UNHCR, Guidelines on Statelessness No. 4 (2012) : Where a child who would otherwise be stateless is born to parents of another Contracting State but does not acquire the nationality of the State of birth responsibility falls to the Contracting State of the parents to grant its nationality to the child.	Yes. A child born abroad to at least one parent with Albanian nationality automatically acquires Albanian nationality.	Article 5 of law no. 113/2020 "On Nationality" (ALB): https://qbz.gov.al/eli/ligj/2020/07/29/113/55eae8f6-f942-4df2-9481-41b8463bbf62;q=ligj%20per%20shtetesine
PRS.5.b		Are there any discriminatory conditions in law and/or practice for the acquisition of nationality by descent (e.g. differential treatment of children born out of wedlock, rights of father/mother/same-sex parents to confer nationality, etc.)?	ECtHR, Genovese v. Malta (2011) : The state must ensure that the right to nationality is secured without discrimination. CEDAW, Gen. Rec. 32 (2014) : Requires States parties to ensure that women and men have equal rights to confer their nationality to their children and that any obstacles to practical implementation of such laws are removed. UNHCR, Global Action Plan to End Statelessness 2014-24 (2014) : Action 4	Children born out of wedlock have the same rights and obligations as children born in wedlock. Father and mother share the same equal rights and obligations and no difference is made in law for the acquisition by descent by mother or father. However, same-sex partnerships are not legally recognised in the Republic of Albania. Marriage can only be made between a man and a woman. Cohabitation is recognised as a factual union between a man and a woman living as a couple, characterised by a life together that represents a character of stability and continuity. It is not clear how same-sex parents may jointly confer nationality to a child in practice.	Articles 4, 7 & 163, Law 9062 of 8.5.2003 Family Code (ALB): https://qbz.gov.al/preview/615c6db4-cfa8-4800-ba51-0444026e441d .
PRS.6.a	Birth registration	Does the law provide that all children are registered immediately upon birth	CRC : Article 7 ICCPR : Article 24(2)	Yes. The law provides for the child's right to free birth registration 'immediately after birth'. This right is also granted to children born	Law no. 18/2017 of 23.2.2017 On Child Rights and Protection (ALB): https://qbz.gov.al/eli/ligj/2017/02/23/18-2017/a7b5c582-

		<p>regardless of the migration or residence status, sexual and/or gender identity of their parents?</p>	<p>CoE, Recommendation CM/Rec(2009)13 (2009): Member states should register the birth of all children born on their territory even if they are born to a foreign parent with an irregular immigration status or the parents are unknown. UNHCR, Guidelines on Statelessness No. 4 (2012): Article 7 CRC applies irrespective of the nationality, statelessness or residence status of the parents. UNHCR, Global Action Plan to End Statelessness 2014-24 (2014): Action 7 UN Sustainable Development Goal 16.9 European Parliament, Resolution on LGBTIQ rights in the EU (2021): Calls on States to overcome discrimination against rainbow persons and families. UNHCR and UNICEF, Background Note on Sex Discrimination in Birth Registration (2021): All parents regardless of their sex should have equal rights to register the births of their children without discrimination. Laws or regulations that provide that only opposite sex parents may register the birth of children should be reformed.</p>	<p>outside the territory of the Republic of Albania at the request of the parent or guardian. The child also has a right to a name, nationality, to know their parents and enjoy their care as much as possible. They have the right to retain their identity, including the determination of surname, the acquisition of nationality and the recognition of family ties. However, in practice, children have difficulties accessing birth registration if parents are undocumented or have irregularities in their documentation. A considerable number of children born to Albanian parents abroad have difficulties registering and acquiring Albanian nationality due to the false/irregular identification documents held by parents. A child born to foreign parents in Albania, can acquire Albanian nationality only if the parents prove their legal residency (see. PRS.1.h).</p> <p>The recent changes to the Civil Status Law brought significant improvements to the mandatory reporting requirements for birth registration. All health entities with the right to certify the birth are obliged to send all relevant documentation/notifications to the civil status office of the parents’ place of residence. The law also now provides for the creation of a temporary birth register to document births that are reported by health institutions but not yet declared by the parent/s. The law also provides that if the registration is not completed within 60 days, the civil registrar must inform the local child protection unit, which takes action to assess the situation and register the birth of the child at the civil status office. TLAS has published a manual to support implementation of these changes.</p> <p>The Albanian legal framework does not provide for the recognition of parenthood of same sex parents nor same sex marriages, which impacts on the registration of same sex. There are reports of the civil registry refusing to register children recognising both mothers with equal rights parenthood (see PRS.6.e for details).</p>	<p>78fa-4109-beca-a0c7b48a2c8c;q=ligj%20per%20te%20drejtat%20dhe%20mbrojtjen%20e%20femijes%20%20%20%20%20 TLAS practice Article 41, Law no.10129 of 11.05.2009 On Civil Status, as amended by Decision no. 52 of 1.12.2011 of the Constitutional Court, with Law no. 135/2013 and Law no. 134/2016 and Law no. 69/2018 (ALB): https://qbz.gov.al/eli/ligj/2009/05/11/10129/c3ee244a-d790-4989-9a33-14ec398126c5;q=ligj%20per%20gjendjen%20civile TLAS 2020 Manual on birth registration and Instruction No. 870, Dated 24.12.2018; Instruction no. 285, dated 11.03.2019; Instruction no. 284, dated 11.03.2019 (ALB): https://www.tlas.org.al/sites/default/files/Udhezues%20Final_compressed.pdf</p>
<p>PRS.6.b</p>		<p>Are all children issued with birth certificates upon registration? If no, please describe legal status of documentation issued.</p>	<p>HRC, Resolution A/HRC/RES/20/4 (2012): Underscores the importance of effective birth registration and provision of documentary proof of birth irrespective of immigration status and that of parents or family members. Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC: Take all necessary measures to ensure that all children are immediately registered at birth and issued birth certificates, irrespective of their migration status or that of their parents.</p>	<p>Yes. All children born in or outside a healthcare institution must be documented. The Law on Civil Status provides that the fact, time, place of birth, gender and maternity are certified with the certificate of maternity assistance, with a medical report or minutes, drawn up at the time of birth, certified by the medical staff present, train manager or captain, head of prison or military unit, public order body, or officials of diplomatic missions abroad, in the absence of medical personnel. In the absence of required documentation, the confirmation of the fact of birth can be proved through the court. The above documents serve for the completion of the birth act. The birth act legally certifies the birth and is the record of birth containing the ordinal number, date of keeping and civil status office; full date and time of birth; place of birth; name and surname, determined according to the legal provisions in force; identity number of the child; gender; nationality; whether the child was born twin or Siamese; identity number and identity of the mother; identity number and the identity of the father, when known, according to the legal provisions in force; identity, identity number and quality of the declarant; identity number, name and surname of the translator (for Albanian children born abroad with a foreign birth act).</p>	<p>Article 38 & 42, Law no.10129 of 11.05.2009 On Civil Status, as amended by Decision no. 52 of 1.12.2011 of the Constitutional Court, with Law no. 135/2013 and Law no. 134/2016 and Law no. 69/2018 (ALB): https://qbz.gov.al/eli/ligj/2009/05/11/10129/c3ee244a-d790-4989-9a33-14ec398126c5;q=ligj%20per%20gjendjen%20civile.</p>

PRS.6.c		Is the child's nationality determined or recorded upon birth registration? If yes, please describe how and by whom (e.g. if the mother/father's nationality is recorded and/or automatically attributed to the child, if there's a formal procedure, if information on both parents is recorded etc.)	CRC : Articles 3 & 7	Yes. The nationality of the child is determined and recorded upon birth registration. The procedure of keeping the act of birth and the information it contains is set in Article 42 of the Law on Civil Status. If the parents are Albanian nationals their nationality is confirmed in the electronic register of nationals and is automatically attributed to the child. If the parents are foreign nationals with legal residency in Albania, their residency is verified, and the child is granted either Albanian nationality or the nationality of the parent/s based on their will. If the parent/s are undocumented or residing without legal residence in Albania or stateless, the child will be registered based on the declaration of the parent/s. This is not specifically regulated in law, but general rules will apply combined and based on practice.	Article 42, Law no.10129 of 11.05.2009 On Civil Status, as amended by Decision no. 52 of 1.12.2011 of the Constitutional Court, with Law no. 135/2013 and Law no. 134/2016 and Law no. 69/2018 (ALB): https://qbz.gov.al/eli/ligj/2009/05/11/10129/c3ee244a-d790-4989-9a33-14ec398126c5;q=ligj%20per%20gjendjen%20civile TLAS practice
PRS.6.d		If a child's nationality is not determined or recorded upon birth registration, is there a legal framework to determine the child's nationality later? If yes, please describe the procedure, including the legal grounds, deadlines, competent authority, and whether the child's best interests are taken into consideration.	CRC : Articles 3 & 7 1961 Convention : Articles 1 & 4 UNHCR, Guidelines on Statelessness No. 4 (2012) : States need to determine whether a child would otherwise be stateless as soon as possible so as not to prolong a child's status of undetermined nationality. Such a period should not exceed five years. HRC, CCPR General comment No. 17 (1989) : States are required to adopt every appropriate measure, both internally and in cooperation with other States, to ensure that every child has a nationality when he is born. UNHCR, Best Interests Procedure Guidelines (2021) HRC, D.Z. v. Netherlands (2021)	No. Later determination of the child's nationality is not stipulated in law. In cases where the nationality is wrongly attributed, the general rules of Article 36 apply, which stipulate that when material errors are noticed in the National Register or a column is found that does not reflect the relevant component (or a component is missing), the head of the civil status office makes the correction or completion.	Article 36, Law no.10129 of 11.05.2009 On Civil Status, as amended by Decision no. 52 of 1.12.2011 of the Constitutional Court, with Law no. 135/2013 and Law no. 134/2016 and Law no. 69/2018 (ALB): https://qbz.gov.al/eli/ligj/2009/05/11/10129/c3ee244a-d790-4989-9a33-14ec398126c5;q=ligj%20per%20gjendjen%20civile
PRS.6.e		Are there credible reports to suggest that, in practice, children are prevented from registering their birth (or their birth certificate issued abroad is not recognised) because of parents' migration or residence status, sexual and/or gender identity, because they were born as a result of a surrogacy agreement, or other reasons (please specify)?	Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC : Urge States parties to take all necessary measures to ensure that all children are immediately registered at birth and issued birth certificates, irrespective of their migration status or that of their parents. Legal and practical obstacles to birth registration should be removed. Global Compact for Safe, Orderly and Regular Migration : States will contribute resources and expertise to strengthen the capacity of national civil registries to facilitate timely access by refugees and stateless persons to civil and birth registration. Global Compact on Refugees : States commit to fulfil the right of all individuals to a legal identity and ensure that migrants are issued documentation and civil registry documents. European Parliament Resolution (2018) : Calls on Member States to take immediate corrective measures to stop discriminatory birth registration. European Parliament, Resolution on LGBTIQ rights in the EU (2021) : Emphasises the importance of the recognition of birth certificates in all EU Member States regardless of the sex of the parents. UNHCR and UNICEF, Background Note on Sex Discrimination in Birth Registration (2021) : All parents regardless of their sex should have equal rights to register the births of their children without discrimination. Laws or regulations that provide that only opposite sex parents may register the birth of children should be reformed.	Yes. There is evidence that children face barriers to accessing birth registration, including due to parents' legal status. Over the years, the law has progressively changed and the latest amendments to the Civil Status Law (69/2018) have reduced these barriers especially for children born abroad to Albanian parents who have problems with their legal status. This was recognised in the EU's 2019 Progress Report on Albania which stated: "In October 2018, the Parliament of Albania adopted legal amendments to the country's civil registration law. The aim of these amendments was to remove barriers to birth registration and reduce the risk of childhood statelessness in Albania, particularly for children of Albanian parents born outside the country and for children of the Roma and Egyptian communities". Despite the recent legal amendments regarding birth registration, the Albanian legal framework does not provide for the recognition of parenthood of same sex parents nor same sex marriages, consequently the registration of same sex parenthood. This topic has received large public attention in Albania recently relying on a case that TLAS is representing that relates to two lesbian mothers who gave birth to twins. The civil registry refused the registration of the children recognising both mothers with equal rights. TLAS has appealed this decision. Currently the case is pending before Administrative Court of Appeal.	COMMISSION STAFF WORKING DOCUMENT, Albania 2019 Report, Accompanying the Commission Communication on EU Enlargement Policy {COM(2019) 260 final}, p.29: https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-albania-report.pdf TLAS, 2013 report on the Assessment of feasibility for the electronic registration of child births in Albania: https://www.tlas.org.al/sites/default/files/TLAS_FINAL_REPORT_STUDY_ELECTRONIC_BIRTH%20%20REGISTRATION_UNICEF_2013.pdf TLAS & ENS, 2015, Ending Childhood Statelessness Report on Albania: https://www.tlas.org.al/sites/default/files/ENS%20-%20TLAS.pdf TLAS, ENS, ERRC & ISI, 2018, Roma Belong Report on Statelessness, Discrimination and Marginalisation of Roma in Albania: https://www.tlas.org.al/sites/default/files/roma-belong-albania-english-language-ilovepdf-compressed_0.pdf TLAS & UNHCR, 2018, Mapping the Population at Risk of Statelessness in Albania: https://www.tlas.org.al/sites/default/files/Mapping%20of%20the%20population%20at%20risk%20of%20statelessness_english.compressed.pdf Media article about the hate speech rhetoric that escalated in numerous medias after the case gained public attention:

			Court of Justice of the European Union, V.M.A. v Bulgaria, Case C-490/20 (2021) : Domestic authorities of an EU Member State are required to issue a birth certificate and identity documents to a child who is a national of that state and was born in another EU Member State, including when the birth certificate contains two parents of the same sex.		https://exit.al/en/2021/06/18/albanian-media-council-and-alliance-against-hate-hate-speech-leads-to-hate-crimes/ Decision no. 1017 of the Administrative Court of First Instance of Tirana (1 April 2022)
PRS.6.f		Are there mandatory reporting requirements that would deter undocumented parents from coming forward to register their children (e.g. health or civil registry authorities required to report undocumented migrants)? If not, is there a clear firewall to prohibit the sharing of information by other entities with immigration authorities?	Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC and Joint General Comment No. 3 (2017) CMW and No. 22 (2017) CRC : Legal and practical obstacles to birth registration should be removed, including by prohibiting data sharing between health providers or civil servants responsible for registration with immigration enforcement authorities; and not requiring parents to produce documentation regarding their migration status. Children's personal data, in particular biometric data, should only be used for child protection purposes. CoE, ECRI General Policy Recommendation No. 16(2016) : States should clearly prohibit the sharing of information about migrants suspected of irregular presence with immigration authorities. These firewalls must be binding on state authorities and the private sector.	No, there is no specific provision in force that provides for the sharing of information between civil status offices and/or health providers with immigration authorities. However, there is no ban in law and practice to prevent the sharing of such information. In addition, there is no stipulation in national laws to prohibit the sharing of such information between any entities with immigration authorities.	TLAS
PRS.6.g		Is there a statutory deadline for birth registration? If yes, please state the deadline and whether late birth registration is possible in law and practice.	Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC : Measures should also be taken to facilitate late registration of birth and to avoid financial penalties for late registration. HRC, Resolution A/HRC/RES/20/4 (2012) : Calls upon States to ensure free birth registration, including free or low-fee late birth registration, for every child.	No. Late birth registration is possible in law and practice. The law sets a deadline of 60 days to incentivise birth registration. Children registered within 60 days are entitled to monetary compensation. If the registration is not completed within 60 days, the civil registrar must inform the local child protection unit, which takes action to assess the situation and register the birth of the child at the civil status office.	Article 41/4, Law no.10129 of 11.05.2009 On Civil Status, as amended by Decision no. 52 of 1.12.2011 of the Constitutional Court, with Law no. 135/2013 and Law no. 134/2016 and Law no. 69/2018 (ALB): https://qbz.gov.al/eli/ligi/2009/05/11/10129/c3ee244a-d790-4989-9a33-14ec398126c5;q=ligi%20per%20gjendjen%20civile TLAS 2020 Manual on birth registration and Instruction No. 870, Dated 24.12.2018; Instruction no. 285, dated 11.03.2019; Instruction no. 284, dated 11.03.2019 (ALB): https://www.tlas.org.al/sites/default/files/Udhezues%20Final_compressed.pdf
PRS.6.h		Are there additional requirements for late birth registration (e.g. fees, documents, court procedure)? Please describe the procedure including the competent authority and procedural deadlines.	As above	No.	TLAS
PRS.7.a	Reducing <i>in situ</i> statelessness	Does the government have any programmes in place to promote civil registration (including birth registration)? If yes, please provide details.	UNHCR, Global Action Plan to End Statelessness 2014-24 (2014) : Action 7	Work on promoting birth registration is mostly done by civil society organisations supported by international organisations, rather than as part of a governmental programme. TLAS has carried out extensive work in this area over the years in partnership with relevant government agencies. The Government has mostly been supportive in promoting birth registration through different activities, starting from awareness raising and advocacy, to training and law improvement initiatives.	TLAS
PRS.7.b		Are there particular sections of the population - such as minority groups or people affected by conflict - believed to be stateless/at risk of statelessness? Please provide details and source of information.	1961 Convention : Article 9 UNHCR, Global Action Plan to End Statelessness 2014-24 (2014) : Action 4 HRC, Recommendations of the Forum on Minority Issues (2019) : States should take legislative, administrative and policy measures aimed at eliminating statelessness affecting minorities.	It is considered that Roma in Albania are disproportionately affected by risk of statelessness due to their discrimination, social exclusion, and marginalisation. TLAS and partners recommended that the Albanian Government should act to address structural discrimination against Roma in its 2018 Roma Belong report, including prejudicial attitudes and negative stereotypes, to ensure that Roma are not directly or indirectly discriminated against in	TLAS, ENS, ERRC & ISI, 2018, Roma Belong Report on Statelessness, Discrimination and Marginalisation of Roma in Albania: https://www.tlas.org.al/sites/default/files/roma-belong-albania-english-language-ilovepdf-compressed_0.pdf

				their access to documentation, enjoyment of their rights to a nationality, and all other human rights. The report also advised the Government to ensure that all civil registration and documentation procedures, including birth registration, are universally accessible by simplifying complex procedures and eliminating barriers related to cost, time, distance and bureaucracy. Several of these recommendations have now been addressed through the recent changes made to the Civil Status Law.	Law no.10129 of 11.05.2009 On Civil Status, as amended by Decision no. 52 of 1.12.2011 of the Constitutional Court, with Law no. 135/2013 and Law no. 134/2016 and Law no. 69/2018 (ALB): https://qbz.gov.al/eli/ligj/2009/05/11/10129/c3ee244a-d790-4989-9a33-14ec398126c5;q=ligj%20per%20gjendjen%20civile
PRS.7.c		Has the State implemented any other measures specifically aimed at reducing (risk of) statelessness? (e.g. identification, registration or naturalisation campaigns, removal of treaty reservations, reform of discriminatory laws, etc.)	1961 Convention UNHCR, Global Action Plan to End Statelessness 2014-24 (2014) : Actions 1 & 8 UNHCR, Good Practices Paper - Action 1 (2022) : States generally address and resolve situations of statelessness through law and policy reform enabling stateless persons to acquire nationality automatically by operation of law, through a simple registration process, or through naturalisation. Non-automatic procedures are generally a less effective way to resolve statelessness because they require the person concerned to take certain steps to acquire nationality	The Government implemented a number of reforms through recent amendments to the Civil Status Law and the Law on Nationality. The Albanian Government also made three pledges at the UNHCR High Level Segment on Statelessness in October 2019, including to implement a dedicated SDP; to fully implement 2018 legislative amendments that improve access to birth registration for children of Roma and Egyptian communities, and children born abroad to Albanian nationals; and to align its Law on Nationality with the key provisions of the 1961 and 1954 Conventions. Provisions introduced through amendments to the Law on Nationality in 2020 established a full safeguard in law for otherwise stateless children born on the territory (although implementation is not yet clear). The new law 79/2021 "On Foreigners" which entered into force in November 2021 introduces for the first time a statelessness determination procedure. The procedure is to be regulated in a specific Ministerial Instruction which to date has not yet been drafted.	Law no.10129 of 11.05.2009 On Civil Status, as amended by Decision no. 52 of 1.12.2011 of the Constitutional Court, with Law no. 135/2013 and Law no. 134/2016 and Law no. 69/2018 (ALB): https://qbz.gov.al/eli/ligj/2009/05/11/10129/c3ee244a-d790-4989-9a33-14ec398126c5;q=ligj%20per%20gjendjen%20civile Results of the High-Level Segment on Statelessness: https://www.unhcr.org/ibelong/results-of-the-high-level-segment-on-statelessness/ Law no. 113/2020 "On Nationality" (ALB): https://qbz.gov.al/eli/ligj/2020/07/29/113/55eae8f6-f942-4df2-9481-41b8463bbf62;q=ligj%20per%20shtetesine Law no. 79/2021 "On Foreigners"
PRS.8.a	Deprivation of nationality	Are there any provisions on deprivation of nationality that could render a person stateless? Please state whether there is a safeguard against statelessness established in law and on what grounds deprivation of nationality may result in statelessness (e.g. national security, fraud, etc.).	1961 Convention : Article 8 & 9 ECN : Article 7(3) UDHR : Article 15(2) Principles on Deprivation of Nationality and the Draft Commentary : Principle 2.2: Deprivation of nationality refers to any loss, withdrawal or denial of nationality that was not voluntarily requested by the individual; Principles 4, 5 & 6 HRC, Report of the Secretary-General on Human Rights and Arbitrary Deprivation of Nationality (2009) : para. 23 UNHCR Guidelines on Statelessness No.5 (2020) : the prohibition of arbitrary deprivation of nationality also includes situations where there is no formal act by a State but where the practice of its competent authorities clearly shows that they have ceased to consider a particular individual/group as national(s) (e.g. where authorities persistently refuse to issue or renew documents without providing an explanation or justification). ILEC Guidelines (2015) : Deprivation of nationality must have a firm legal basis, should not be interpreted extensively or applied by analogy and deprivation-provisions must be predictable.	As a general rule, no one can be arbitrarily deprived of Albanian Nationality. Albanian nationals have the right to renounce their Albanian nationality provided they have acquired or been guaranteed another nationality by the relevant competent authority. The law provides for deprivation of Albanian nationality where an application for nationality was knowingly based on incorrect data or forged documents. There is a safeguard in place only to protect children from statelessness in such cases. The safeguard does not apply to adults.	Articles 3/c & 13 & 15 of law no. 113/2020 "On Nationality" (ALB): https://qbz.gov.al/eli/ligj/2020/07/29/113/55eae8f6-f942-4df2-9481-41b8463bbf62;q=ligj%20per%20shtetesine
PRS.8.b		Who is the competent authority for deprivation of nationality and what procedural safeguards are in place (e.g. due process, fair trial, participation in the proceedings, legal aid, decision in writing with reasoning, judicial oversight, appeal, time limit, subject to prior sentencing)?	1961 Convention : Article 8(4) ECN : Articles 10 to 13 Principles on Deprivation of Nationality : Principle 7. Deprivation of nationality must be carried out in pursuance of a legitimate purpose, provided for by law, necessary, proportionate and in accordance with procedural safeguards; Principle 8: Everyone	The competent authorities for nationality matters are the President of the Republic and the Ministry of Interior. Deprivation of nationality is carried out by a Decree of the President of the Republic. A request to renounce Albanian nationality should be made to the local representative of the State Police in a person's place of residence. Rules for the required documentation, form, and manner of completing this request is detailed in Instruction no. 65 dated 4 February 2021 of the Minister of Interior. The Ministry	Articles 16/5, 17, 18, 20 of law no. 113/2020 "On Nationality" (ALB): https://qbz.gov.al/eli/ligj/2020/07/29/113/55eae8f6-f942-4df2-9481-41b8463bbf62;q=ligj%20per%20shtetesine Instruction no. 65, dated 4.2.2021 "On the determination of the documentation necessary for the acquisition, resignation and recovery of Albanian citizenship, the form and manner of completion

			has the right to a fair trial or hearing and to an effective remedy and reparation. ILEC Guidelines (2015) : The consequences of a decision to deprive somebody of his nationality must be assessed against the principle of proportionality. Adequate procedural safeguards are essential. Decisions should only take effect when the (judicial) decision cannot be challenged anymore.	checks whether the format of the request is correct, but it has no right to evaluate the legal basis of the request, only the President can determine whether it is supported by the law. The law provides for the possibility to appeal against the Presidential decree to deprive a person of their nationality in the administrative court.	of verifications at responsible institutions, as well as the procedure and documentation for postponing the deadline for performing the oath” - as amended by instruction no. 197, dated 12.4.2021 (ALB): https://qbz.gov.al/eli/fz/2021/22/b0b1b6c4-b007-43be-bd48-50f4f5269c52;q=UDH%C3%8BZIM%20Nr.%2065,%20dat%C3%AB%204.2.2021%20P%C3%8BR%20P%C3%8BRCAKTIMIN%20E%20DOKUMENTACIONIT%20T%C3%8B%20NEVOJSH%C3%8BM%20P%C3%8BR%20FITIMIN,%20HEQJEN%20DOR%C3%8B%20DHE%20RIFITIMIN%20E%20SHTET%C3%8BSIS%C3%8B%20SHQIPTARE,%20FORM%C3%8BN%20DHE%20M%C3%8BNYR%C3%8BN%20E%20PLOT%C3%8BSIMIT%20T%C3%8B%20K%C3%8BRKES%C3%8BS,%20T%C3%8B%20PROCEDUR%C3%8BS%20P%C3%8BR%20KRYERJEN%20E%20VERIFIKIMEVE%20PRAN%C3%8B%20INSTITUCIONEVE%20P%C3%8BRGJEGJ%C3%8BSE,%20SI%20DHE%20T%C3%8B%20PROCEDUR%C3%8BS%20DHE%20T%C3%8B%20DOKUMENTACIONIT%20P%C3%8BR%20SHTYRJEN%20E%20AFATIT%20P%C3%8BR%20KRYERJEN%20E%20BETIMIT%20
PRS.8.c	Are provisions on deprivation of nationality applied in practice? Have they been applied even where it results in (risk of) statelessness? If available, please provide any sources of data or information on cases that resulted in statelessness.			There is no information on how provisions on deprivation of nationality are applied in practice (see PRS.8.e below)	TLAS information gathered from review of state officials practice and shared information with partners.
PRS.8.d	Are there safeguards in law and practice to prevent renunciation or other forms of voluntary loss of nationality from resulting in statelessness?	1961 Convention : Article 7 ECN : Articles 7 and 8		Yes. The law provides that Albanian nationality ends upon request if the person does not remain stateless as a result of the renunciation. The person must be able to document that they have another nationality or have been guaranteed this by the relevant competent authority. The law provides that the person reacquires Albanian nationality if they do not acquire the promised nationality within a reasonable time, subject to certain conditions.	Articles 13/b of law no. 113/2020 “On Nationality” (ALB): https://qbz.gov.al/eli/ligj/2020/07/29/113/55eae8f6-f942-4df2-9481-41b8463bbf62;q=ligj%20per%20shtetesine
PRS.8.e	Are there any provisions on deprivation of nationality in a national security context (regardless of whether they could render a person stateless)? Please describe these provisions and if/how they are applied in practice.	Principles on Deprivation of Nationality Principle 4: States shall not deprive persons of nationality for the purpose of safeguarding national security. Where provisions exist, these should be interpreted narrowly and in accordance with international law standards. UNHCR Guidelines on Statelessness No.5 (2020) : Laws that permit deprivation of nationality on the grounds of terrorism should be publicly available and precise enough to enable individuals to understand the scope of impermissible conduct.		Yes. The law permits deprivation of Albanian nationality in the case of naturalised nationals where the person supports, carries out activities, or is a member of organisations, whose activities aim at violating the national security and the constitutional order of the Republic of Albania. In this case, deprivation takes place on the basis of information verified by competent law enforcement institutions or when the person has been convicted by a final court decision. The person ceases to be an Albanian national at the moment of communication of the Presidential Decree and, exceptionally, if the decree cannot be communicated to them, after its publication in the Official Gazette. These provisions apply only to naturalised nationals and do not apply if they would render the person stateless.	Article 15 of law no. 113/2020 “On Nationality” (ALB): https://qbz.gov.al/eli/ligj/2020/07/29/113/55eae8f6-f942-4df2-9481-41b8463bbf62;q=ligj%20per%20shtetesine
PRS.8.f	Are there any provisions on deprivation of nationality that directly or indirectly discriminate a person or group of persons on any ground prohibited under international law or that discriminate between nationals? Please describe these provisions and if/how they are applied in practice.	ICCPR : Article 26 1961 Convention : Article 9 ECN : Article 5 Principles on Deprivation of Nationality : Principle 6. Prohibited grounds for discrimination include race, colour, sex, language, religion, political or other opinion, national or social origin, ethnicity, property, birth or inheritance, disability, sexual orientation or gender identity, or other real or perceived status, characteristic or affiliation. Each State is also bound by the principle of non-discrimination between its nationals.		Deprivation provisions apply only to naturalised Albanian nationals, not Albanians by birth, which is considered discriminatory.	Article 15 Law no. 113/2020 “On Nationality” (ALB): https://qbz.gov.al/eli/ligj/2020/07/29/113/55eae8f6-f942-4df2-9481-41b8463bbf62;q=ligj%20per%20shtetesine

<p>PRS.8.g</p>		<p>Are there safeguards to prevent derivative loss of nationality (i.e., loss of nationality on the basis that a parent or a spouse has been deprived of that nationality)? Please describe the potential impact of deprivation on children and spouses.</p>	<p>CRC: Articles 2(2), 7 and 8 CEDAW: Article 9(1) Principles on Deprivation of Nationality: States must take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members (Principle 9.7). The derivative loss of nationality is prohibited (Principle 9.8).</p>	<p>There is a specific provision in cases of deprivation that constitutes a safeguard for children of the person who is being deprived of nationality. Specifically, Article 15/6 stipulates that loss of Albanian nationality as a result of deprivation does not apply to the nationality of the minor child/ren of the person deprived. While the law is silent as regards the spouse, a literal interpretation of the law means that deprivation of Albanian nationality does not apply to the spouse of the person deprived of their Albanian nationality.</p>	<p>Article 15 Law no. 113/2020 “On Nationality” (ALB): https://qbz.gov.al/eli/ligj/2020/07/29/113/55eae8f6-f942-4df2-9481-41b8463bbf62;q=ligj%20per%20shtetesine</p>
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Resources

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
RES.1.a	Published judgments	Please list the most relevant judgments relating to statelessness and include links to the cases (where available).		Due to the law on data protection and recommendations of the Commissioner for Protection from Discrimination, Albanian Courts have restricted public access on ongoing court cases and court decisions. Having no human resources to publish anonymised information, a total ban has been imposed and access is only allowed to parties to a specific case through a special code that makes possible electronic navigation to the court caselaw. TLAS research on the topic has shown that Albanian courts do not have case law on statelessness. The Albanian Courts have adjudicated birth registration cases, but no reference is made to statelessness nor risk of statelessness.	Notification of the court on restrictions to access cases and decisions (ALB): http://www.gjykatirana.gov.al/previewdoc.php?file_id=227 Information about TLAS activity and yearly statistics: https://www.tlas.org.al/sq/botimet-e-revistave-sipas-viteve
RES.2.a	Free legal assistance	Are there specialised lawyers or organisations providing free advice to stateless people or those at risk of statelessness? If yes, please describe.	UNHCR, Handbook on Protection (2014) : Applicants must have access to legal counsel.	TLAS is one of the leading organisations in the country providing free legal advice and court representation to persons at risk of statelessness and their families. There are no other organisations specifically devoted to work on statelessness. Other organisations and grassroots groups may be identified that provide support to children at risk, or other vulnerable persons, and mostly work on identification. A number of cases that TLAS represents are referred by other partner organisations that identify and refer to TLAS for specialised representation of (risk of) statelessness cases.	Information on TLAS activity: www.tlas.org.al
RES.3.a	Literature	Is there domestic academic literature on statelessness? Please list and provide references and hyperlinks (where available).		There is almost no academic literature on the topic. Only minimal academic literature on the topic of nationality could be identified.	Gezim Krasniqi, Albanian Citizenship Configurations in the Balkans, in Central and Eastern European Migration Review, Vol. 6, No. 1, 2017 Krasniqi G, Reinventing the state: (e)migration and citizenship in Albania, in Citsee Working Paper Series 27/2013, 2013