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Articles

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The Right of Foreigners to Study and to Research in the Republic of Albania

Prawo cudzoziemców do nauki i prowadzenia badań w Republice Albanii

ABSTRACT

The European Union has achieved much in promoting cross-border access to education in the course of the last two-and-a-half decades. Free movement of students is one of EU law's most important achievements in the general context of free movement of persons. Today, EU law confers far-reaching educational rights upon workers and their family members and it entitles all EU citizens to move to other Member States to take up studies. The right to education is one of the basic human

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rights, which is recognized in the Albanian legislation as well. The right to education is granted to Albanian citizens, all foreigners and stateless persons resident in the Republic of Albania alike. Albania has especially changed its legislation to improve its alignment with the standards of the EU necessary for its eventual accession. As it is known Albania has transposed all EU directives relating to immigration and asylum into its national legal system and now it participates in the negotiations on new migration and asylum rules at a regional level as well. This paper seeks to provide an overview of rules in Albania for foreign students and researchers in the Republic of Albania. It also highlights some of the challenges in the application, interpretation and development of immigration rules for students and researchers currently present in the Republic of Albania, especially the Law "On Foreigners". The objective was to trace the main institutional and legal procedures applicable to foreign citizens who seek to study and research in Albania, to analyze the data on students and researchers in Albania and to reflect on these findings.

Keywords: foreign students; researchers; migration and asylum rules; education; legal procedures

INTRODUCTION

Migration has been an essential part of Albania's history and still is to the present day, though it has changed, both in size and in nature since the fall of Communism. Since the introduction of reforms, the Albanian migration picture has evolved. Albania has opened itself up much more to migrants, though the relative number of immigrants is still low.[1] This opening has included changes in the legislative framework governing immigration and a closer resemblance between Albanian legislation and international conventions governing individual rights and State obligations in the field of migration.[2] Albania has especially changed its legislation to improve its alignment with the standards of the European Union necessary for its eventual accession.

Immigration to Albania has been scarce, and the country has attracted neither foreign workers nor other immigrants in significant numbers. Albanian society has thus remained mostly homogeneous throughout the last century.[3] Even though the situation has changed in recent years, with increasing immigration from the EU and third countries, Albania has still only a small foreign population, though its exact size cannot be estimated with precision due to limited documentation and source material.[4]

[1] E. Canaj, *Migration Law in Albania*, Alphen aan den Rijn 2019, p. 13.

[2] C. Barnard, *The Substantive Law of the EU: The Four Freedoms*, Oxford 2010, pp. 3–30.

[3] K. Barjaba, *Contemporary Patterns in Albanian Migration*, "South-East Europe Review" 2000, vol. 3(2), pp. 57–64; idem, *Migration and Ethnicity in Albania: Synergies and Interdependencies*, "Easton Institute for International Studies" 2004, vol. 11(1), pp. 231–239.

[4] S. Bana, *E drejta e migracionit në Shqipëri*, Tiranë 2020, p. 35.

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The European Union has achieved much in promoting cross-border access to education in the course of the last two-and-a-half decades. Free movement of students is one of EU law's most important achievements in the general context of free movement of persons. Today, EU law confers far-reaching educational rights upon workers and their family members and it entitles all EU citizens to move to other Member States to take up studies.[5] Albania has transposed all EU directives relating to immigration and asylum into its national legal system and those relating to science, research and education. Now it participates in the negotiations on new rules at a regional level as well.[6]

The aim of this paper is to provide an overview of rules in Albania for foreign students and researchers in the Republic of Albania. In this context, Albania, perhaps more than any other nation, offers a unique perspective on the entire international migration process, as, in the last three decades, it has gone from forbidding migration to having migration become an integral demographic and social process with more than half of the households reporting family members with a migration experience.[7] It has recently also begun the transition from a migrant-sending country to a migrant-receiving one.[8]

The right to enter and remain in Albania as a student is regulated in the Law "On Foreigners". Section IV of the Law "On Foreigners" deals with the residence permit for specific categories in the Republic of Albania. On 14 July 2016, the Albanian Parliament approved Law No. 74/2016, which amends Law No. 108/2013 "On Foreigners".

It is also focused on the development of immigration rules for students and researchers currently present in the Republic of Albania, especially the Law "On Foreigners".

The objective is to analyze the institutional and legal procedures applicable to foreign citizens who seek to study and research in Albania, and to analyze the administrative data on students and researchers in Albania. According to the 2020 EU Progress Report, Albania has some level of preparation in the area of science

[5] K. Käsper, *Access to Higher Education in the EU: Evolving Case Law of the CJEU*, "European Journal Law Reform" 2012, no. 4, pp. 399–413; idem, *Free Movement of Students in the EU*, [in:] *Protecting Human Rights in the EU*, Berlin–Heidelberg 2014, pp. 145–159; A. Tryfonidou, *In search of the aim of the EC free movement of persons provisions: Has the Court of Justice missed the point?* Common Market Law Review" 2009, vol. 46(5), pp. 1616–1617; F. Strumia, *Citizenship and free movement: European and American features of a judicial formula for increased comity*, "Columbia Journal European Law" 2006, vol. 12, pp. 727–736.

[6] E. Canaj, S. Bana, *E drejta e Bashkimit Europian*, Tiranë 2020, p. 245.

[7] C. Carletto, B. Davis, M. Stampini, A. Zezza, *A Country on the Move: International Migration in Post-Communist Albania*, "International Migration Review" 2006, vol. 40(4), p. 767.

[8] E. Canaj, *op. cit.*, p. 18.

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and research and moderately prepared in the field of education.[9] Good progress was made specially with the completion of the quantitative analysis phase of the Smart Specialisation Strategy, in the further improved participation in Horizon 2020, in reaching out to the diaspora, and in academia business cooperation.

METHODOLOGY

The research methodology of this paper is composed of three groups of indicators developed based on a systemic analysis of various materials. This paper seeks to provide an overview of rules in Albania for foreign students and researchers in the Republic of Albania. It also highlights some of the challenges in the application, interpretation and development of immigration rules for students and researchers currently present in the Republic of Albania, especially the Law "On Foreigners". The objective is to trace the main institutional and legal procedures applicable to foreign citizens who seek to study and research in Albania, to analyze the data on students and researchers in Albania, and to reflect on these findings. A set of various research methods were applied to collect and analyze the data in order to answer indicative questions related to each specific indicator: review of recent studies, analyses of legal acts, both international and national, research reports, policy papers, strategies, and other documents; qualitative analysis of legal documents – analysis of information published on the websites of public institutions and other organizations and bodies, analysis of EU law, case law and national law of migration; in-depth interviews with experts, institutions, policymakers, students and researchers. For the purposes of this study, we have made desk research and several official requests to the main institutions that have data on foreign students located in the Republic of Albania in the last five years, especially to the Ministry of Education, Sport and Youth, to the Ministry of Finance and Economy, and to the General Directorate of State Police.

RESEARCH AND DISCUSSION

1. Legal framework

The right to education is one of the basic human rights, which are recognized in the Albanian Constitution. Therefore, the first legislative act to be considered in this context is the Constitution of Albania adopted by referendum on 22 Novem-

[9] European Commission, *Albania Report 2020*, 6.10.2020, https://ec.europa.eu/neighbourhood-enlargement/system/files/2020-10/albania_report_2020.pdf (access: 22.3.2021).

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ber 1998. The Albanian Constitution includes strong guarantees for the respect of human rights not only for Albanians but also for foreigners and stateless persons.[10] The Albanian legislator, when regulating the rights of immigrants, should respect the principles of non-discrimination and quality before the law[11].

Since the return to democracy in 1991, different executives have developed migration laws. The Albanian government adopted the National Strategy on Migration and National Action Plan on Migration in 2005 to elucidate priorities for immigration,[12] and also developed several strategies on these issues.[13] We can mention here also the 2017–2022 National Strategy for Scientific Research, Technology and Innovation, the National Strategy on Develop and Integration 2015–2020,[14] and the draft of the National Strategy on Education 2021–2026[15] as well.

In terms of EU integration, these policies seem to be in full coherence with the strategic objectives of the cooperation between EU countries in the field of education and training and with the new EU Framework for Key Competences for Lifelong Learning,[16] as well as SDG 4 of the 2030 Agenda for Sustainable Development.[17] Migration management actually is handled in a special section of the National Strategy for Development and Integration 2025 (NSDI). NSDI observes

[10] Article 16 of the Albanian Constitution.

[11] Article 17 of the Albanian Constitution.

[12] V.K.M. Nr. 760, 19 Nëntor 2004 e Këshillit të Ministrave të Republikës së Shqipërisë, https://www.parlament.al/wp-content/uploads/2015/11/legjislacioni_shqiptar_2001_2009.pdf (access: 27.2.2022); V.K.M. Nr. 296, 6 Qershor 2005 e Këshillit te Ministrave të Republikës së Shqipërisë, https://www.parlament.al/wp-content/uploads/2015/11/legjislacioni_shqiptar_2001_2009.pdf (access: 27.2.2022); Strategjia Kombëtare për Migracionin dhe Plani i Veprimit për Migracionin: rruga drejt menaxhimit të Migracionit, Tiranë, July 2005, http://shtetiweb.org/wp-content/uploads/2014/05/strategjia_kombetare_e_migracionit_alb.pdf (access: 15.5.2018). See L. Ikonomi, *E drejta migratore*, Tiranë 2014, p. 105.

[13] This strategy with funding from the EU Commission's Community Assistance for Reconstruction, Development and Stabilisation (CARDS) Programme 2001 as well as support from the IOM technical and co-funding support programmes.

[14] Strategjia Kombëtare për Zhvillim dhe Integrim 2015–2020, 2016, http://arsimi.gov.al/wp-content/uploads/2018/11/SKZHI_draft-per-konsultim_25.3.2016.pdf (access: 22.3.2021).

[15] Strategjia Kombëtare e Arsimit 2021–2026: Draft, Tiranë 2021, http://arsimi.gov.al/wp-content/uploads/2021/05/Draft-Strategjia-per-Arsimin-2021-2026-1.pdf (access: 22.3.2021).

[16] B. de Witte, *Educational equality for community workers and their families*, [in:] *The European Community Law of Education*, ed. B. de Witte, Baden-Baden 1989; G. Gori, *Towards and EU Right to Education*, The Hague 2001; R. Creech, *Law and Language in the European Union: The Paradox of a Babel United in Diversity*, Groningen 2005.

[17] R. Creech, *op. cit.*, p. 7.

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that despite the progress in the effective management of migration in Albania,[18] several challenges[19] still need to be addressed.[20]

The Albanian law on immigration assumed its current form on the adoption of Law No. 108/2013 "On Foreigners" on 28 March 2013 as part of its effort to align Albanian law with EU law. This Law is fully compatible with the regulations and directives of the European Union. Section IV of the Law "On Foreigners" deals with the residence permit for specific categories in the Republic of Albania. On 14 July 2016, the Albanian Parliament approved Law No. 74/2016, which amends Law No. 108/2013 "On Foreigners".[21]

Law No. 108/2013, as amended, regulates the regime for entry, stay, employment, and the departure of aliens. The law stipulates the functions and competences of the State's authorities and other entities, be they public or private, Albanian or foreign, carrying out activities in the Republic of Albania which are related to non-nationals who seek to enter, those who enter, stay in and depart from the Republic of Albania. International agreements concluded with the government of other countries, ratified by law, may provide special and more favourable provisions for the citizens of these countries, which apply with reciprocity.

[18] After the implementation of the first National Strategy on Migration (2005–2010) and the Strategy on Reintegration of Albanian Returnees (2010–2015).

[19] Such as: (i) prevention of irregular migration from the country, abuse with the visa-free regime in the EU Schengen area; (ii) sustainable return of Albanians through provisions of support for reintegration; (iii) impact of migration development must be strengthened, i.a., through the promotion of human and financial investment of Albanians who are abroad; (iv) strengthening of structures of migration management and immigration policy and their implementation based on solid facts and in line with international standards including the securing of human rights of all the emigrants.

[20] NSDI vision consists of the creation of an effective system of migration governance in Albania, through the attainment of the following strategic objectives: (1) promotion of safe and regular routes of migration in Albania to prevent irregular migration, so as to streamline 70% of migration from Albania through regular bilateral agreements; (2) increasing the impact of emigration development by creating favourable legal and institutional mechanisms; (3) increasing sustainability of return migration by supporting reintegration of returned emigrants; (4) implementation, at an advanced level, of migration policies to ensure equal treatment of third-country nationals and their integration in Albania in line with the international standards; and (5) consolidation of migration policies, the legal framework, the management and coordination structures, to ensure a better response to migration challenges. See IOM, Ministria e Brendshme, *Albania – Migration Profile 11*, 2016, https://mb.gov.al/files/documents_files/Profili_i_Migracionit_2016%20(Eng).pdf (access: 20.2.2018); L. Ikonomi, *op. cit.*, p. 106.

[21] These amendments were published in Official Gazette No. 146 and entered into force on 20 August 2016.

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2. The right of foreigners to study and research in the Republic of Albania

The right to education is granted to Albanian citizens, all foreigners, and stateless persons resident in the Republic of Albania alike. Higher education encompasses universities and polytechnics and is organized in three cycles: studies leading to a BA; studies leading to an MA; and studies leading to a Doctorate (PhD).[22]

The right to enter/remain in Albania as a student is regulated in the Law "On Foreigners". Section IV of the Law "On Foreigners" deals with the residence permit for specific categories in the Republic of Albania. Foreigners, who have enrolled as a student with an educational institution in Albania, are issued a temporary residence permit if their study will lead to a degree or a vocational qualification (Article 52). A residence permits can also be issued to a student for other types of studies. For instance, a study that does not directly lead to a degree or vocational qualification, but aims at deepening the knowledge in a particular field of expertise already acquired through a previous study by the student. However, if there are no special grounds, a residence permit is generally only issued to students studying at a university or an educational institution in Albania equal to a university.

According to Article 52 of the Law "On Foreigners" there are two main types of students. First of all, an adult student is also referred to as a general student. A student is considered to be an adult student if, on arriving in the Republic of Albania that person is older than 18 and enrolls for post-18 education. Second, a child student. This category of students covers children aged between 4 and 17 who wish to enter the Republic of Albania for the purpose of attending education. It is the first category of students that will be discussed in this paper as the second category of students falls outside the scope of this paper.[23] Albanian legislation provides that to qualify for entry permission, a student must meet the following requirements. First of all, there must be no justification to refuse entry permission under the general grounds for refusal.[24] Second, a general student must provide evidence that he/she has been accepted by an educational institution as a student. As a general rule, a confirmation must be obtained from a sponsor that a student has been registered as a student by an educational institution. In addition, a general student must provide evidence that he/she has sufficient knowledge of the language

[22] Higher education thus has three levels (BA, MA, and PhD): BA – 180 ECTS credits with a normal duration of six semesters of student work; MA – 90 to 120 ECTS credits and normal duration of three to four semesters of student work; and the third cycle – the PhD. However, a programme may continue up to 240 ECTS credits, with a normal duration of seven or eight semesters of study. See in general www.arsimi.gov.al.

[23] The Albanian education system has three levels: pre-school, school and extra-curriculum education. For more, see Ministria e Arsimit dhe Sportit, www.arsimi.gov.al (access: 22.3.2021).

[24] See Article 10 of Law 108/2013.

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of the education or training he/she will be attending (usually Albanian or English and sometimes Italian or Turkish).

The documentation that can be used by general students is listed in Section C point 4 paragraph c of Decision No. 513 of 13 June 2013 "On Determining the Criteria, Procedures and Documentation for Entry, Stay and Treatment of Aliens in the Republic of Albania".[25] A general student who has been admitted as a student by an educational institution or who attends training or participates in professional internships is issued a residence permit with a validity period no longer than one year when issued as a first-time permit (i.e., temporary residence permit). This residence permit can be extended every year for another year until the completion of the studies or internship. If the duration of the study programme is less than one year, the period of validity of the residence permit corresponds with the duration of the study programme.[26]

A general student must provide evidence that he/she has sufficient financial means to secure a living in the Republic of Albania during the period of study. This is the general rule. The amount of the available funds that the applicant will have to provide documentary evidence for depends on the duration of the course. After finishing one study programme, a general student may wish to attend another course. In these circumstances, the Albanian legislation has no specific regulation, but the case falls under the general rule. In accordance with Article 52 of the Law "On Foreigners", a general student has to provide evidence that progress is being made, as provided for by law or administrative practice in order to have a residence permit renewed. No further details are given in this regard.

A residence permit issued to general students entitles him/her to take up employment for a limited number of hours after completing their first year of study, general students are entitled to pursue an economic activity as a worker or self-employed person outside the study period, for a maximum of twenty hours a week, or the equivalent in days or months per year.

Foreign students, we must admit, have a lot of difficulties taking up employment for a limited number of hours in this country.

A student cannot, however, fill a full-time permanent vacancy. As general rule self-employment is also permitted if the number of hours during which the student pursues an economic activity does not exceed the time limit of twenty hours a week or the equivalent in days or months per year.[27] A general student is issued a work

[25] See, in particular, Section C point 4 para. e of Decision No. 513 of 13 June 2013 "On Determining the Criteria, Procedures and Documentation for Entry, Stay and Treatment of Aliens in the Republic of Albania": "For students and school pupils: Document of admission with the education establishment in Albania: *i*. Proof of financial resources sufficient for the duration of stay in Albania. I. Proof of proficiency of language".

[26] See Article 52 (1) and (2) of the Law "On Foreigners".

[27] See Article 52 (4) of the Law "On Foreigners".

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permit for part-time or fixed-term paid employment, when attending a regular university study, provided that his/her employer notifies the state's authorities responsible for the registration of the start and termination of employment.[28] EU citizens and Schengen country citizens are exempted from the obligation to be issued with a work permit.

Upon successful completion of his/her study if the former student is issued a work permit, and if the EU citizen is registered with an employment office based on an employment contract, the residence permit may be renewed for employment purposes. Half of the period of stay for study purposes is taken into consideration when calculating the period of residence.[29]

A work permit can be issued to special categories, with a validity of up to one year to a pupil or student, who wants to take up an economic activity under an agreement for student exchange and who participates in a job exchange programme during the summer holiday.[30]

The family members of a student can join him/her in or ender the territory of Albania as long as the general grounds for refusal do not apply and if when applying for leave to remain, the family member does not qualify as an illegal entrant. A family member can either be the spouse or civil partner of a general student who has leave to remain in the Republic of Albania or is, in the process of being granted entry clearance or leave to remain as a general student. For EU citizens,[31] the general rule is that a family member can also be the partner of a general student if they have been in a relationship similar to a marriage for a period of at least two years.

A marriage or civil partnership must be an existing relationship at the time the application is made. The spouses and civil partners must intend to live with each other throughout the general student's stay in Albania. A family member may not intend to remain in the Republic of Albania beyond any period of leave granted to the general student. There must be evidence that the general student has sufficient financial means, as set out in the general rules for admission of family members, to maintain himself/herself and any accompanying family members. If the application is successful, the spouse or the partner is granted entry clearance and leave to remain for a period which expires on the same day as the leave to remain granted to the general student expires. Leave to remain is granted subject to conditions that the general student does not have recourse to public funds and that the family has registered with the police, if this is required.

[28] See Article 91 (1) of the Law "On Foreigners".

[29] See Article 91 (2) of the Law "On Foreigners".

[30] See Article 101 (1) (ii) of the Law "On Foreigners".

[31] K. Käsper, *Access to Higher Education in the EU…*, pp. 399–413; idem, *Free Movement…*, pp. 145–159.

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A general student can also be accompanied by a child. If the accompanying family member is a child, the requirements that need to be satisfied are usually the same as those that apply to the spouse and the civil partner. This means that the child must not fall under the general grounds justifying a refusal to grant permission to remain and must not qualify as an illegal entrant. The applicant must be the child of the parent who has been granted to enter or remain as a general student or who is in the procedure to be granted entry clearance or leave to remain as a general student. The child must be under the age of 18 on the date the application is made and must not be married or in a civil partnership; must not have formed an independent family unit, and must not be leading an independent life. He/she may not intend to stay in Albania beyond any period of leave granted to the general student who is the parent of the child. If the application is successful, a child is granted entry clearance and leave to remain for a period which expires on the same day as the leave granted to his/her general student parent. This permission to remain is granted subject to conditions that there is no recourse to public funds and that the family is registered with the police if this is required.[32]

3. Administrative data of foreign students and researchers in Albania. Time to reflect?

For the purposes of this study, we have made desk research and several official requests to the main institutions that have data on foreign students located in the Republic of Albania in the last five years, especially to the Ministry of Education, Sport and Youth, to the Ministry of Finance and Economy, and to the General Directorate of State Police.

Special attention was made to the data provided by the Institute of Statistics of the Republic of Albania.[33] The focus was on foreigners in Albania without having the possibility to find information of the students or researcher. At the end of 2020, the number of foreigners with residence permits in Albania resulted in 13.609 inhabitants, by increasing with 0.8% compared to 2019. In 2020, resident foreigners for employment reasons accounted for 47.5% of the total number of foreigners, followed by reasons for family reunification with 24.5%, reasons for humanitarian purposes with 19.7%, reasons for students with 2.0%, and other reasons with 6.3%.[34]

[32] See International Organization for Migration, *Analysis of Albanian Immigration Legislation and Practice as Compared to EU and International Standards: Gap Analysis on Migration Management in Albania*, Tirana 2004, p. 45; ONM, *Fjalorth i terminologjisë migratore*, Tiranë 2007, pp. 12–23; L. Ikonomi, *op. cit*., p. 131; UNHCR, *Integrimi i refugjatëve në Shqipëri*, Tiranë 2004, pp. 49–50.

[33] Institute of Statistics, http://www.instat.gov.al/en (access: 22.3.2021).

[34] Institute of Statistics, *Foreigners in Albania*, 2020, http://www.instat.gov.al/media/9389/foreigners-in-albania_2020.pdf (access: 22.3.2021).

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According to the data collection of the Institute of Statistics, researchers and specialists are foreigners with specialized knowledge, essential, for service, research equipment, and a high level of qualification for the activity exercised by the enterprise or research institution. The purpose of the annual publication of foreigners in Albania is to present the results and indicators on foreigners with residence permits in Albania, by age group and sex, reason for application, countries of origin and the annual number of applications for residence permits. It also features irregular foreigners. Considering that no other data are available despite reasons for students with 2.0% and other reasons with 6.3%, we should assume that foreign researchers are included in this 6.3%.

According to the administrative data from the Ministry of Education, Sport and Youth and the Ministry of Finance and Economy, enrolled in tertiary education are 123,797 students in the academic year 2020–2021,[35] but no data are collected on foreign students or researchers.

The General Directorate of State Police informs that in the last five years there are currently 733 foreign students for study purposes. Most of them are enrolled in private universities[36] rather than in public universities.

Foreign nationals provided with a residence permit for research motives in the last five years result from 2 in 2015, 1 in 2018, 1 in 2019 and 1 in 2020. So, in total 5 researchers! Without a doubt, 2020 was a challenging year due to the impact of the November 2019 earthquake in central Albania, which damaged 24% of the educational facilities, as well as the emergency adjustments taken for the provision of online education during the COVID-19 pandemic. These data on students and researchers are not related to the indicated factors.

In this context, we should consider another important datum. All researcher that comes to Albania stay for a short period based on projects, national or international. International cooperation in higher education institutions managed by the offices of international relations in higher education institutions is very important in our country. These offices have been set up in almost all Albanian Higher Education Institutions (HEIs) and cooperate closely with foreign HEIs for the recognition of mobility (mobility) and foreign diplomas of students, legalization of documents, transfer of studies and mutual agreements.[37]

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[35] Institute of Statistics, *Arsimi*, http://www.instat.gov.al/al/temat/tregu-i-pun%C3%ABs-dhe-arsimi/arsimi/#tab2 (access: 22.3.2021).

[36] See the Albanian HEI list on www.arsimi.al (access: 22.3.2021).

[37] The International Relations Offices cover the implementation of bilateral and multilateral agreements and the implementation of international projects. These offices work closely with the Albanian Erasmus+ Office through activities such as: organizing Erasmus+ days, information, expert seminars, on-site information sessions on EU programs, etc. Since 2015, Erasmus+ has enabled short-term mobility in Europe from other parts of the world for students, researchers and staff. Erasmus+ Capacity Building in Higher Education (CBHE) projects, which last from two to three years, aim

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For example, during the period 2015–2019, Albania has participated in 114 Erasmus+ projects. However, not all HEIs manage to win enough projects due to the lack of project offices in HEIs, which is dedicated to increasing partnerships at regional and European levels[38] and raising funds in the field of teaching and research.[39] In our opinion, the main problem seems to be the focus on the mobility of Albanian students and researchers in the EU countries and not *vice-versa*. However, we consider that Albanian HEIs do not manage to attract a significant number of foreign students or researchers, except for Albanians from neighboring countries.

In addition, according to the 2020 EU Progress Report, Albania has some level of preparation in the area of science and research and is moderately prepared in the field of education. Some progress was registered with the strengthening of the New National Agency for Employment and Skills, the continued restructuring of the National Agency for Education, Vocational Training and Qualifications, the continued implementation of the Albanian Qualification Framework Law. Good progress was made especially with the completion of the quantitative analysis phase of the Smart Specialisation Strategy, in the further improved participation in Horizon 2020, in reaching out to the diaspora, and in academia business cooperation.[40] In this context, Albania should immediately increase the free movement of students and researchers in its territory, and in particular should increase investment in research, in line with its own commitments and European research area priorities.[41] Furthermore, it should continue the development of significant strategies and their implementation. In the meantime, Albania should ensure timely association to and participation in Horizon Europe.[42]

We strongly suggest that Albania should step up investments in scientific research and associated measures to strengthen research and innovation capacity at national level, also given the relevance of innovation and globalization. The Albanian Government needs to develop a clear methodology to establish funding for research and science and should also urgently develop innovative policies, which are aimed at promoting better links between academia, industry and government. Efforts are still needed in the field of free movement of foreign students and researchers in the territory of the Republic of Albania.

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at modernizing and reforming higher education institutions, developing new curricula and building relationships between educational institutions senior and ventures. About 9% of the annual global budget for Erasmus+ Ndërtimit të Kapaciteteve në Arsimin e Lartë projects has been allocated to the Western Balkan countries. See Strategjia Kombëtare e Arsimit 2021–2026…

[38] A. Tryfonidou, *op. cit.,* pp. 1616–1617.

[39] See Strategjia Kombëtare e Arsimit 2021–2026…

[40] European Commission, *Albania Report 2021*, 19.10.2021, https://ec.europa.eu/neighbourhood-enlargement/albania-report-2021_en (access: 22.3.2021).

[41] F. Strumia, *op. cit.*, pp. 727–736.

[42] European Commission, *Albania Report 2021…*

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CONCLUSIONS

The right to education is granted to Albanian citizens, all foreigners and stateless persons resident in the Republic of Albania. Albania has especially changed its legislation to improve its alignment with the standards of the EU necessary for its eventual accession and has transposed all EU directives relating to immigration and science, education and research into its national legal system. Law No. 108/2013, as amended, regulates the regime for entry, stay, employment and the departure of aliens. The law stipulates the functions and competences of the State's authorities and other entities, be they public or private, Albanian or foreign, carrying out activities in the Republic of Albania which are related to non-nationals who seek to enter, those who enter, stay in and depart from the Republic of Albania. The right to remain in Albania as a student is regulated in Article 52 of the Law "On Foreigners". Foreigners, who have enrolled as a student with an educational institution in Albania, are issued a temporary residence permit if their study will lead to a degree or a vocational qualification. A residence permit can also be issued to a student for other types of studies. According to Article 52 of the Law "On Foreigners" there are two main types of students: an adult student also referred to as a general student and a child student. A student must provide evidence that he/she has been accepted by an educational institution as a student and, in addition, must provide evidence that he/she has sufficient knowledge of the language of the education or training he/she will be attending. The family members of a student can join him/her in or ender the territory of Albania as long as the general grounds for refusal do not apply. A family member can either be the spouse or civil partner of a general student who has leave to remain in the Republic of Albania or is, in the process of being granted entry clearance or leave to remain as a general student. A general student can also be accompanied by a child. If the accompanying family member is a child, the requirements that need to be satisfied are usually the same as those that apply to the spouse and the civil partner.

We analyzed the rules in Albania for foreign students and researchers in the Republic of Albania and highlighted some of the challenges in the application of rules for students and researchers currently present in the Republic of Albania.

Analyzing the data on students and researchers in Albania, we find out that there is a small number of foreign students in Albania and a very small one of foreign researchers.

All researchers that come to Albania stay for a short period based on projects, national or international and they do not register as researchers. The important data of all the academic researchers and their period of stay should be done directly to the HEIs and this will be the objective of a further academic study in the future.

However, we consider that Albanian HEIs do not manage to attract a significant number of foreign students or researchers, except for Albanians from neighboring

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countries. In this context, Albania should immediately increase the free movement of students and researchers in its territory, and in particular should increase investment in research, in line with its own commitments and European research area priorities; should continue the development of significant strategies and their implementation; should ensure timely association to and participation in Horizon Europe; should step up investments in scientific research and associated measures to strengthen research and innovation capacity at national level, also given the relevance of innovation and globalization.

The Albanian Government needs to develop a clear methodology to establish funding for research and science and promote free movement of foreign researchers. It should also urgently develop innovative policies, which are aimed at promoting better links between academia, industry, and government.

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ABSTRAKT

W ciągu ostatnich 25 lat Unia Europejska (UE) osiągnęła wiele w zakresie wspierania transgranicznego dostępu do edukacji. Swoboda przemieszczania się studentów jest jednym z najważniejszych osiągnięć prawa unijnego w ogólnym kontekście swobody przepływu osób. Obecnie UE przyznaje pracownikom i członkom ich rodzin daleko idące prawa oraz uprawnia wszystkich obywateli Unii do przenoszenia się do innych państw członkowskich w celu podjęcia nauki. Prawo do edukacji jest jednym z podstawowych praw człowieka, co również jest uznane w prawie albańskim. Podobnie

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prawo do edukacji w Albanii przyznane jest obywatelom Albanii, wszystkim cudzoziemcom i bezpaństwowcom. Albania zmieniła ustawodawstwo, aby poprawić swoją zgodność z unijnymi standardami koniecznymi dla akcesji. Jak wiadomo, Albania dokonała transpozycji do krajowego systemu prawnego wszystkich dyrektyw unijnych dotyczących imigracji i azylu, a także obecnie uczestniczy w negocjacjach na temat nowych przepisów migracyjnych i azylowych na poziomie regionalnym. Celem niniejszego artykułu jest przegląd albańskich przepisów prawnych dotyczących studentów zagranicznych i naukowców w Republice Albanii. Wskazano również na niektóre wyzwania w zakresie stosowania, wykładni i rozwijania przepisów imigracyjnych dla studentów i badaczy, które obowiązują w Republice Albanii, zwłaszcza ustawy o cudzoziemcach. Celem było prześledzenie głównych procedur instytucjonalnych i prawnych obowiązujących zagranicznych obywateli zamierzających studiować i prowadzić badania w Albanii oraz wyciągnięcie wniosków w tej materii.

Słowa kluczowe: studenci zagraniczni; naukowcy; przepisy migracyjne i azylowe; edukacja; procedury prawne

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