

KEY CONSIDERATIONS FOR THE PREVENTION AND REDUCTION OF STATELESSNESS AMONG ROMA IN ALBANIA



IN CO-OPERATION WITH :

- > European Network on Statelessness
- > Tirana Legal Aid Society
- > Roma Active Albania

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Key Considerations for the Prevention and Reduction of
Statelessness among Roma in Albania

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Roma Integration Phase III is a Joint Programme of the European Union and the Council of Europe. It aims to strengthen the capacity of governments in the Western Balkans and Türkiye to effectively address the multifaceted challenges faced by the Roma community through the implementation of comprehensive public policies. These policies cover critical areas such as housing, employment, population registration, as well as the green and digital transition.

This paper was produced as part of a grant-funded project implemented under Roma Integration Phase III. The grant was awarded to Tirana Legal Aid Society and Roma Active Albania, two organisations based in Albania and members of the European Network on Statelessness (ENS), which also contributed to the preparation of this paper. The project aims to address gaps in law, policy, and practice that contribute to statelessness among Roma communities in the Western Balkans. It focuses on eliminating discriminatory laws and practices, and on providing technical recommendations to close identified gaps at both national and regional levels. The intended outcome is agreement on, and commitment to, concrete actions by key stakeholders, including national authorities. This paper was presented alongside a synthesised regional report during a regional event in Podgorica in May 2025, facilitating multi-stakeholder discussion and agreement on next steps.



European
Network on
Statelessness



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KEY CONSIDERATIONS FOR THE PREVENTION AND REDUCTION OF STATELESSNESS AMONG ROMA IN ALBANIA

Roma Integration Phase III

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List of Abbreviations

1954 Convention	1954 UN Convention Relating to the Status of Stateless Persons
1961 Convention	1961 UN Convention on the Reduction of Statelessness
SDP	Statelessness determination procedure
UNHCR	United Nations High Commissioner for Refugees
ENS	European Network on Statelessness
EU	European Union
HLS	UNHCR High-Level Segment on Statelessness
HRC	United Nations Human Rights Committee
OSCE	Organization for Security and Co-operation in Europe
UN	United Nations
NGO(s)	Non-governmental organization(s)
TLAS	Tirana Legal Aid Society
RAA	Roma Active Albania

Summary

While Albania has made meaningful progress in addressing statelessness in recent years, particularly through improvements in legislation and practice, targeted capacity-building and awareness-raising efforts, and the provision of legal aid to marginalised individuals, significant challenges remain. These advances have helped reduce the risk of statelessness, especially among children, by enhancing access to birth registration and strengthening safeguards in nationality law. However, to fully address both existing cases and the persistent risk of statelessness, sustained and coordinated efforts are still needed.

Moving forward, it is essential to continue raising public awareness to encourage parents, caregivers, migrants, and refugees to approach state authorities when facing barriers to birth registration. Further alignment of Albania's nationality legislation with its international obligations, including through amendments to the Law on Citizenship, is also critical. In addition, civil registry officials must be equipped and supported to effectively implement the revised Civil Status Law. Finally, comprehensive measures must be taken to ensure universal access to civil registration and the confirmation of nationality, particularly for people at heightened risk of statelessness. These steps are necessary not only to prevent future cases, but also to reduce the number of people already affected by statelessness in Albania.

Introduction

This paper was produced as part of a grant-funded project implemented under the Roma Integration Phase III Joint Programme of the European Union and the Council of Europe. The grant was awarded to *Tirana Legal Aid Society* and *Roma Active Albania*, organisations based in Albania and members of the **European Network on Statelessness (ENS)**. The project aims to address gaps in law, policy, and practice that contribute to statelessness among Roma communities in the Western Balkans. It focuses on eliminating discriminatory laws and practices, and on providing technical recommendations to close identified gaps at both central and regional levels. The intended outcome is agreement on, and commitment to, concrete actions by key stakeholders, including central authorities. This paper was presented alongside a synthesised regional report during a **regional event** in Podgorica in May 2025, facilitating multi-stakeholder discussion and agreement on next steps.

Across the Western Balkans region, statelessness is a key factor driving a mutually reinforcing cycle of discrimination and denial of fundamental rights. Statelessness is an issue that affects both migrants and refugees as well as people who have lived in the same place for generations. In the Western Balkans region, as in other parts of Europe and globally, statelessness is a particular concern for members of minoritised communities.¹ Discrimination is both a cause and a consequence of statelessness, with nationality laws often structured or implemented in ways that exclude certain groups or make it more difficult for them to acquire or prove their nationality. In Europe, among the most affected by this issue are Roma communities, who face systemic exclusion and further marginalisation due to the cycle of antigypsyism and legal barriers.²

In the Western Balkans region, statelessness among Roma communities is shaped by a complex combination of factors, including state succession, historical conflict, forced displacement, lack of civil documentation, and systemic exclusion. Many thousands of Roma people continue to be disproportionately impacted by these issues, which are exacerbated by deep-rooted antigypsyism. Being stateless usually means being unable to benefit from the fundamental rights afforded to people recognised as citizens of a country, including access to healthcare, education, the right to marry, open a bank account, and participate in the labour market on an equal basis. Not only does it hinder access to these basic rights and entitlements, but it also affects the psychological sense of belonging and inclusion that is vital for achieving equality in societies. In this way, statelessness becomes a real and significant part of the cycle of discrimination experienced by minoritised groups globally, including Roma communities in Europe.

This paper examines the key issues and challenges related to statelessness among Roma communities, focusing on gaps in law, policy, and practice. It outlines both the legal obligations relating to statelessness and highlights issues within policy and practice, focusing on practical barriers such as birth registration, data collection and identification of affected populations, and access to citizenship. The paper also examines national measures aimed at preventing and reducing statelessness, as well as the role of outreach and identification initiatives to reduce statelessness among Roma communities and presents targeted areas for action aimed at closing these gaps and promoting the rights and inclusion of Roma communities.

¹ See: <https://www.statelessness.eu/issues/stateless-minorities>.

² The term 'Roma' encompasses a wide diversity of groups and identities, many of which are intersecting and overlapping. There are also people who do not identify as Roma – such as Ashkali and Egyptians – who are nonetheless the targets of antigypsyism. For the purpose of this report, the terms are used to encompass all groups in the region who are subject to antigypsyism, in line with the Council of Europe definition, and commonly adopted by most international organisations in the last decade. However, it is important to underline that not all the members of these populations agree on the single use of this standardised autonym.

Legal framework on the prevention and reduction of statelessness in Albania³

Albania is State party to three of the core statelessness conventions: the 1954 Convention Relating to the Status of Stateless Persons (1954 Convention), the 1961 Convention on the Reduction of Statelessness (1961 Convention), and the 1997 European Convention on Nationality. These conventions have a direct effect in domestic law. Albania is not State party to the Council of Europe Convention on the Avoidance of Statelessness in Relation to State Succession.

Albania is State party to almost all other relevant international and regional instruments, with no reservations, including: the European Convention on Human Rights; the Convention on the Rights of the Child; the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the Convention on the Elimination of all Forms of Discrimination Against Women; the International Convention on the Elimination of All Forms of Racial Discrimination; the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and the Convention on the Rights of Persons with Disabilities.

There is a definition of a stateless person in Albanian law, which states that a stateless person is 'a person who is not a national of any State', but this is narrower than the 1954 Convention definition which specifies 'under the operation of its law'. The 2021 Law on Foreigners established a statelessness determination procedure, and an instruction to implement and regulate the procedure was published in June 2023.

During the United Nations High Commissioner for Refugees (UNHCR) High-Level Segment (HLS) on Statelessness in 2019, Albania made several significant commitments to prevent statelessness and protect stateless people.⁴ By 2019, it pledged to align its Law on Citizenship with the 1961 Convention, and with the 1954

Convention regarding the naturalisation of stateless people. By 2020, it committed to establishing and implementing a dedicated statelessness determination procedure which includes basic procedural safeguards and provides rights and legal status to stateless people in line with the 1954 Convention. By 2021, Albania also pledged to fully implement the 2018 legislative amendments that improve access to birth registration procedures for children of Roma and Egyptian communities, and for children born to Albanian parents outside its territory. The pledges made by Albania in the 2019 HLS demonstrate its commitment to preventing statelessness in the country.

In 2023, senior officials from the Ministry of Interior participated in the OSCE–UNHCR Regional Conference on Access to Civil Documentation and the Prevention of Statelessness in South-Eastern Europe and endorsed a regional pledge to eradicate statelessness. Further, at the 2023 Global Refugee Forum, Albania committed to fully implement the revised Civil Status Law, aimed at eliminating statelessness by the end of 2024. This commitment was fulfilled with the adoption of the revised law in June 2024, and its implementation is now underway. Albania also reaffirmed its HLS pledge to review the statelessness determination procedure (SDP) and ensure it includes the rights and obligations of persons recognised as stateless in line with international standards.

The progress made by Albania to end statelessness within the framework of the **UNHCR IBelong campaign** and the launch of the **Global Alliance to End Statelessness** were presented at a national conference⁵ organised jointly by Tirana Legal Aid Society (TLAS) and UNHCR Albania in November 2024. During this conference, UNHCR, TLAS, high-level officials of the Albanian government, the People's Advocate, and civil society representatives highlighted the advancements made towards ending statelessness and the remaining gaps in the legal framework and its implementation.

³ For more detailed information and sources on law, policy, and practice relating to statelessness in Albania, see the ENS Statelessness Index: <https://index.statelessness.eu/country/albania>.

⁴ UNHCR's Global Action Plan to End Statelessness 2014-2024 has as Action 1: Resolve existing major situations of statelessness. Action 6 is to grant protection status to stateless migrants and facilitate their naturalization. Action 7 is to ensure birth registration for the prevention of statelessness. Action 8: Issue nationality documentation to those with entitlement to it, and Action 10: Improve quantitative and qualitative data on stateless populations.

⁵ <https://www.facebook.com/unhcr.tirana/posts/pfbid0V8KRXTs2kXHBLpoD7MHpkcoQmp5KPFHGg84KiXgzorNEyj3agaUDscuJQeXSfewYl>

Since December 2024, Albania has been a member of the Global Alliance to End Statelessness and has committed to join the *Solution Seekers Programme*, which provides opportunities for States and regional organisations to receive support in advancing concrete, permanent solutions for stateless individuals and developing consultations with relevant stakeholders, including civil society and stateless people.

In addition to obligations under international law, as a candidate country for membership of the European Union, Albania has made political commitments to address statelessness as part of the European Union (EU) Enlargement Process, including the Berlin Process. This is especially relevant to Roma communities and the specific commitments made by Western Balkan countries under the 2019 *Poznan Declaration*, which includes pledges to ensure universal civil registration,

eliminate barriers to obtaining identity documents, and ensure legal recognition for all. Additionally, the *EU Strategic Framework on Roma Equality, Inclusion, and Participation 2020-2030* sets out a roadmap for tackling discrimination, improving access to fundamental rights, and promoting social inclusion for Roma populations, including addressing the risks and consequences of statelessness.

Albania's National Action Plan for Equality, Inclusion and Participation of Roma and Egyptians 2021-2025 provides for state-resourced actions to promote the integration of Roma and Egyptians, including a political commitment to address antigypsyism. However, there is a lack of institutional capacity to fully implement commitments in some areas, and there has been no reporting on the implementation of the Action Plan, so it is unclear what progress has been made.

Population data

According to the most recent national census conducted in 2023 by the Albanian Institute of Statistics (INSTAT), there were 205 stateless people identified in Albania (99 men and 106 women).⁶ This number is based on individuals' answers and self-perception in the census questionnaire. Disaggregation based on gender is the only category provided in the 2023 census, and it does not disaggregate by age, ethnicity, residence or nationality status, nor documentation status. However, the more detailed 2023 census figures still need to be provided by the Albanian Statistical Institute.

The 205 stateless people identified in the 2023 census is a significant decrease compared to the 7,443 stateless people identified in the previous census in 2011. This is believed to be due to the increased access to registration for stateless people and people with undetermined nationality thanks to the advocacy of civil society and international organisations, as well as recent legislative improvements.

Accurate demographic data on the Roma population remains a contentious issue. According to the 2023 census, there are 9,813 Roma individuals in Albania (6,304 male and 6,071 female), making up 0.4% of the population.⁷ This data is based on individuals being physically present when census operators visited and registered them at the residential address they had declared, and therefore likely contains some inaccuracies.

Such limitations are not unique to the 2023 census. In 1995, the Minority Rights Group estimated the Roma population in Albania to be between 90,000 and 100,000. By contrast, the 2011 census was heavily criticised and not endorsed by Roma-led non-governmental organizations (NGOs) given that it reported only

8,301 Roma. The 2023 census is no different, and most Roma and pro-Roma civil society organisations believe this number significantly underrepresents the community. They cite systemic underreporting, institutional mistrust, and procedural shortcomings during the census as key factors. These concerns highlight the urgent need for more inclusive and transparent data collection processes that allow for accurate self-identification.

The collection of data on the population affected by statelessness in Albania has been the focus of TLAS's previous research, starting with *'Ending Childhood Statelessness – A Study on Albania'* in 2015,⁸ the *'Roma Belong - Statelessness, Discrimination, and Marginalisation of Roma in Albania'* in 2017,⁹ and the *'Mapping of the Population at Risk of Statelessness in Albania'*, in 2018.¹⁰ This 2018 study identified at least 1,031 children at risk of statelessness in Albania. Based on this data, TLAS proposed tailored solutions to the Albanian Government related to the profile of those at risk of statelessness, the causes and consequences of statelessness, the segments of the population affected, and their geographic distribution. Since then, various changes, legal amendments, tools, and mechanisms have been adopted in response. Nevertheless, based on the experience of TLAS, between 2021-2024, approximately 200 to 250 cases of children at risk of statelessness have been identified, managed, and resolved each year, all involving children from Roma communities.¹¹

There is no 'stateless' category in asylum and immigration data in the 2023 census, and no information is available on stateless people held in immigration detention. As such, the statistics on the population affected by (risk of) statelessness in Albania refer mainly to *in situ* populations.

6 The census results were published on 28 June 2024, see: <https://www.instat.gov.al/media/13626/cens-2023-census-botim.pdf>.

7 Census 2023: <https://www.instat.gov.al/media/13626/cens-2023-census-botim.pdf>.

8 <https://www.tlas.org.al/sites/default/files/ENS%20-%20TLAS.pdf>

9 <https://index.statelessness.eu/sites/default/files/roma-belong-albania-english-language.pdf>

10 https://www.un.org.al/sites/default/files/Mapping%20of%20the%20population%20at%20risk%20of%20statelessness_%20ENGLISH.PDF

11 Based on the Annual Reports of TLAS: www.tlas.org.al.

Remaining gaps in measures to prevent statelessness

Legal safeguards to prevent childhood statelessness

In recent years, Albania has made several improvements to the legal framework for the prevention of statelessness, and its laws now contain several safeguards that should prevent children from being born stateless on its territory, as well as to its nationals abroad. The law also provides for a child's right to free and immediate birth registration, and children born outside Albania to an Albanian citizen can be registered at the request of the parent and obtain Albanian citizenship (with some limitations). There are further safeguards against statelessness for foundlings and adopted children.¹²

These changes were primarily driven by the Government's welcome amendments to the Law on Nationality in 2020, which now provides that: *A child born or*

*found within the territory of the Republic of Albania and who may remain stateless acquires Albanian nationality.*¹³ The provision has automatic effect under law once it is proven upon birth registration that the child was born on the territory and 'may remain stateless'. Importantly, the law does not require proof that the child cannot obtain another citizenship, nor that the parents are stateless. There is no age cut-off for the acquisition of citizenship of a child born in Albania, and the application is free. There is no discrimination based on the parents' marital status, and citizenship by descent is conferred through either the mother or the father on an equal basis. There is no requirement for a period of lawful residence on the territory, but parents without identity documents or whose presence is irregular may encounter difficulties registering their child's birth.¹⁴

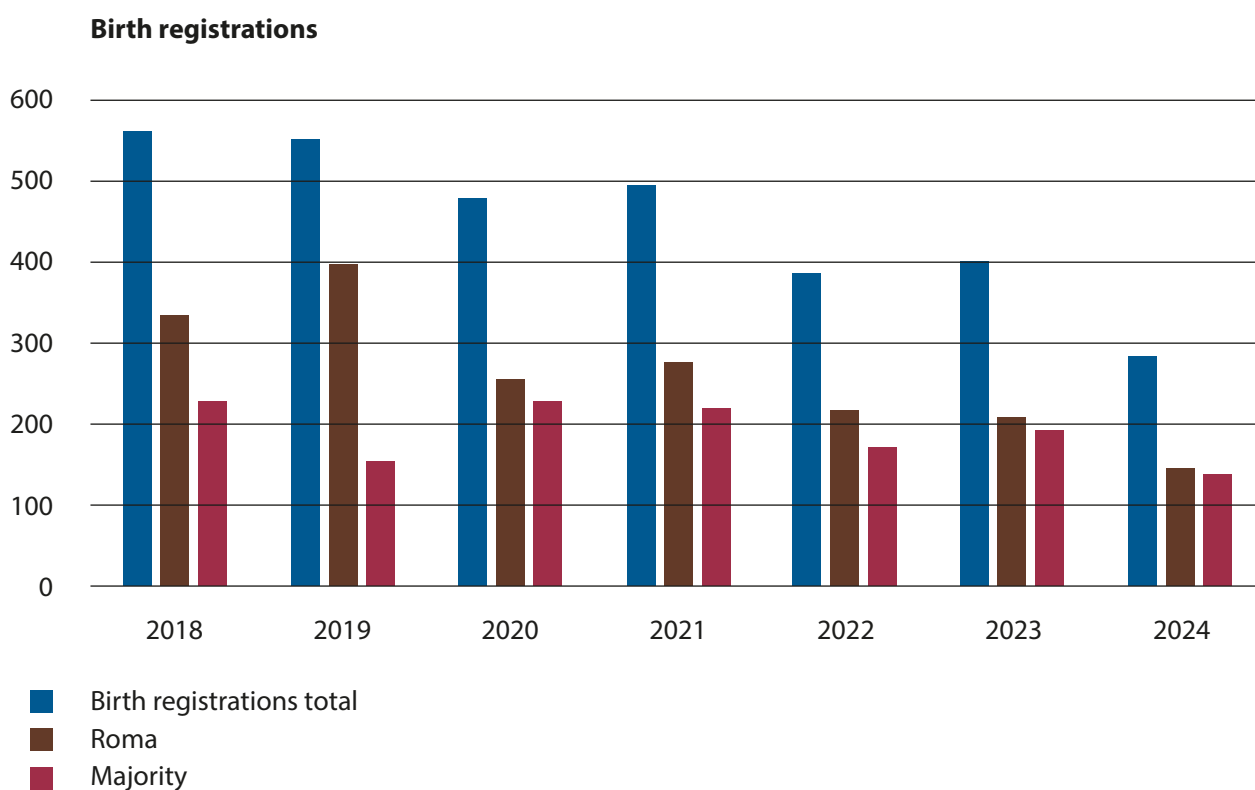


Chart 1: Birth registration cases assisted by TLAS on yearly basis

12 ENS, Statelessness Index, Albania, Country Survey (2022), https://index.statelessness.eu/sites/default/files/ENS_Statelessness_Index_Survey-Albania-2022.pdf, PRS 3.a-6.a.

13 Law On Nationality, Art 7/1 (ALB): <https://qbz.gov.al/eli/ligj/2020/07/29/113/55eae8f6-f942-4df2-9481-41b8463bbf62;q=ligj%20per%20shtete+sine>; cited in ENS statelessness Index, Albania, Country Survey (2022) https://index.statelessness.eu/sites/default/files/ENS_statelessness_Index_Survey-Albania-2021.pdf, PRS 2a.

14 ENS, Statelessness Index, Albania, Country Survey (2022), https://index.statelessness.eu/sites/default/files/ENS_Statelessness_Index_Survey-Albania-2022.pdf, PRS 1-6.

These changes to Albania's nationality law have likely resulted in fewer children being born stateless in Albania. As Chart 1 illustrates, the number of cases assisted by TLAS in the year 2024 is almost half of the cases assisted in year 2018, which demonstrates the impact of the 2020 amendments to the Law on Nationality. Notwithstanding, Albania could build on this success and further improve its approach to statelessness by amending its law to follow the definition a stateless person under the 1954 Convention (currently defined more narrowly in Albanian law as "a person who is not a national of any state"), which may affect who is considered to be at risk of statelessness if strictly applied.

Barriers to birth registration

Despite important legal safeguards, the realisation of a child's right to a nationality in Albania ultimately depends on the immediate registration of their birth. Under the 2020 amendments, although the safeguard to prevent children being born stateless on the territory is automatic under law,¹⁵ birth registration must be carried out as a necessary precondition for acquiring Albanian citizenship according to the Law on Civil Status.¹⁶ The provision is triggered by the birth notification certificate, which proves that the child was born on the territory and may "remain stateless" in accordance with the legislation. If these conditions are met, the child is registered immediately as an Albanian citizen.

Birth registration also plays a critical role in confirming the citizenship of children who are legally entitled to it under law. The child's citizenship is determined and recorded at the time of registration.¹⁷ If the parents are Albanian nationals, their citizenship is confirmed in the electronic register of

nationals, and the child is automatically attributed Albanian citizenship. If the parents are foreign citizens with lawful residence in Albania, their residence status is verified, and the child may acquire either Albanian citizenship or the nationality of the parent(s) at their will. In cases where the parents are undocumented, refugees, stateless, or residing irregularly in Albania, the birth is registered on the basis of the parents' declaration. While this is not explicitly regulated in law, general rules apply, and such practices are confirmed in implementation.

In Albania, the law states that every child has the right to be registered for free, immediately after birth, and to acquire a nationality. These are core principles of international law which, if applied in a comprehensive and non-discriminatory manner, would significantly contribute to preventing childhood statelessness.¹⁸ Importantly, the Law on Civil Status also provides that all children born in a health setting or elsewhere must be recorded. If no medical report has been issued and the birth is not certified by a competent official, the birth must be legally established through a court procedure.¹⁹

However, despite these legal guarantees, many children continue to face significant barriers to birth registration in practice, particularly when their parents are undocumented or have irregular or incomplete documentation. This is especially true for many Roma families, who often struggle to meet the legal requirements for birth registration due to persistent difficulties in accessing civil registration, particularly the registration of births. These challenges represent the most significant underlying cause of the heightened risk of statelessness faced by both parents and children from these communities, especially since children with a clear entitlement to Albanian citizenship under law may be denied access to that right simply because their birth cannot be formally recorded.

15 Law On Nationality, available at: <https://qbz.gov.al/eli/ligj/2020/07/29/113/55eae8f6-f942-4df2-9481-41b8463bbf62;q=ligj%20per%20shtetesine>.

16 Law on Civil Status 69/2018, available at: <https://qbz.gov.al/search;q=ligj%20per%20gjendjen%20civile>.

17 Law on Civil Status 69/2018, available at: <https://qbz.gov.al/search;q=ligj%20per%20gjendjen%20civile>.

18 Every child has the right to a nationality and to be registered immediately after birth. States should have provisions in law to prevent statelessness at birth, including for children born to nationals abroad, foundlings, in the context of adoption, and provisions to grant nationality to all children born in the territory who would otherwise be stateless. Moreover, States should resolve in situ statelessness by granting identity documents, registering births, and confirming or granting nationality, including through targeted nationality campaigns or nationality verification efforts. States should also work to identify and eliminate discriminatory laws, policies and practices that perpetuate intergenerational (risk of) statelessness affecting minoritized and marginalised populations. See, UN Convention on the Reduction of Statelessness, 1961, Articles 1 and 4; International Covenant on Civil and Political Rights, 1966, Article 24(2); Convention on the Rights of the Child, 1989, Articles 3 and 7; UNHCR, Global Action Plan to End Statelessness 2014-24 (2014): Action 7; UN Sustainable Development Goal 16.9; UN Convention on the Reduction of Statelessness, 1961: Articles 1-4. European Convention on Nationality, 1997: Articles 2 and 6; and ENS, Statelessness Index, Statelessness Determination and Protection in Europe: Good Practice, Challenges, and Risks, 2021: <https://index.statelessness.eu/resources/statelessness-determination-and-protection-europe>.

19 Law on Civil Status, available at: <https://mb.gov.al/wp-content/uploads/2021/01/Ligji-per-Gjendjen-Civile-i-NDRYSHUAR.pdf>.

The birth registration process can be complex and difficult to navigate. Children are most likely to be left unregistered when their parents lack the necessary documentation to comply with civil registration procedures. These documents are not limited to birth certificates but may also include evidence of lawful residence, marriage, divorce, or child custody. While these challenges identified are not exclusive to Roma communities, they disproportionately affect them. A lack of resources, economic migration, informal housing, and marginalisation are significant factors impacting their ability to gain access to documents and register the births of their children. This issue is further exacerbated by the law and policy framework, which makes it extremely difficult for children of undocumented parents with no permanent residence to acquire Albanian nationality. Hence, the risk of statelessness becomes an intergenerational issue.

Beyond documentation, several barriers to birth registration disproportionately affect Roma communities. Many Roma families live in rural areas far from health-care centres, leading to home births without formal documentation, which can hinder the registration process. Additionally, widespread lack of information or awareness about the registration process further complicates efforts to ensure timely and proper registration. Prejudicial attitudes among local officials and other stakeholders contribute to these challenges, often resulting in insufficient efforts to identify and assist unregistered Roma families at risk of statelessness. These systemic barriers are worsened by the lack of clear regulations preventing health or civil registry authorities from informing immigration authorities about undocumented parents at the time of birth registration, and while no law explicitly requires the sharing of such information, the absence of a ban may deter parents from registering their children.

Without birth registration, affected members of the Roma communities face significant barriers in obtaining other essential documents, such as identity records, from the civil registry office as they grow older. Additionally, because Roma communities are less likely to have property ownership records or housing lease agreements, they encounter numerous obstacles when attempting to register or change their residence at the

civil registry office, further complicating their access to rights and services.

In recent years, there have been enhanced measures taken by the authorities, including targeted initiatives implemented in cooperation with civil society, to identify Roma and Egyptian children who have not been registered at birth and to provide them with the necessary personal documents. However, these efforts remain *ad hoc* and fragmented, and there is a lack of an overall strategy to deal with this persisting challenge. Moreover, recent efforts do not address the issue of unregistered families returning from an irregular stay abroad, as well as the increasing number of people seeking international protection affected by (a risk of) statelessness.

More recently, civil society and Roma representatives have raised concerns about fictitious marriages, where a man pays a woman to marry him, allowing him to change his last name, evade justice, and then abscond or emigrate, leaving the woman behind. These women may not have the financial means to divorce or may be unwilling to go through a lengthy process before starting a new family with a cohabitant. The couple may then choose not to register their children, as the children would be automatically recorded as the children of the now-absent husband. This disproportionately affects women who are already in disadvantaged situations, living in rural areas, or belonging to minority groups, leaving them with significant bureaucratic and legal challenges in obtaining a divorce. Legal aid organisations report that 60% of fictitious marriage cases involve women from the Roma community, with around 2,500 to 3,000 cases recorded annually in Albania.²⁰ As a result, children from these marriages may lack proper documentation, preventing them from acquiring Albanian nationality or accessing education, which can lead to further social issues and exploitation, such as child begging or limited access to healthcare. Legal aid organisations also note that authorities often take a permissive approach to these “marriages,” hesitant to intervene in what they view as a cultural practice.

In addition, a further obstacle to birth registration in Albania relates to children born to same-sex couples. The Albanian legal framework does not provide for the

20 The repercussions of a fictitious marriage encompass detrimental effects on the rights and interests of the women involved, the welfare of children born within these unions that are at risk of statelessness, and the undue burden placed on courts handling divorce proceedings, paternity claims, and childbirth registrations, etc. See also TLAS Report on fictive marriages at: https://www.tlas.org.al/sites/default/files/Studimi%20per%20Martesat%20Fiktive_30_06_final%20%281%29.pdf.

recognition of same-sex marriages nor the parenthood of same-sex parents. There are reports of registrars not recording two parents of the same sex in the birth certificate, and a recent Supreme Court judgment confirmed that same-sex marriages are against the provisions of the Family Code, signalling ongoing challenges to birth registration of children with same-sex parents.

Late birth registration and children born abroad

The registration of all children is a priority of the General Directorate of Civil Status, with a particular focus on preventing the non-registration of births of both Roma and non-Roma children, regardless of whether they are born inside or outside the territory of Albania or within health institutions. Birth registration is free of charge and incentivised. Albanian parents declaring the birth of a child within 60 days (90 days for births abroad) are eligible for a financial bonus. From January 2019, the bonuses are 40,000 ALL (around 400 EUR) for the first-born child, 80,000 ALL (around 800 EUR) for the second, and 120,000 ALL (around 1200 EUR) for the third. However, since October 2023, Albanian parents living abroad are no longer entitled to this bonus.²¹

Positively, amendments to the Law on Civil Status in October 2018 introduced measures to address cases of unregistered births, including both administrative and judicial procedures for resolution.²² These amendments made it legally possible for late birth registration, and in practice, procedures are in place to facilitate the registration of children who were not registered within the legal deadlines. The law also mandates that hospital institutions report all new births to the registry office, and when the statutory registration deadlines are exceeded, the office must notify Child Protection Units to begin registration procedures. Additionally, several guidelines were adopted in 2019 that, among other things, established an electronic module serving as a provisional or temporary register for unregistered cases in Albania. These guidelines also outlined the procedures for civil servants to cooperate with child protection workers at municipal child protection units and addressed how to resolve cases where the child's name is missing from the civil status records (act) issued outside the territory of Albania.

Prior to these changes, the registration of children born abroad to Albanian parents was a considerable challenge, particularly for undocumented parents or parents staying abroad irregularly. Although Albanian law provides that children born to at least one Albanian parent automatically acquire nationality, in practice, registration obstacles meant that many children born outside the country could not secure proof of their nationality, putting them at real risk of statelessness.

In March 2025, the United Nations (UN) Human Rights Committee (HRC) published its decision in the case *Rexha and Faslliu v. Albania*,²³ a case concerning the refusal of Albanian authorities to register the births of three Albanian Roma children who were born in Greece. At its core, the Committee's decision reaffirms that birth registration is a fundamental human right and an essential safeguard against statelessness and systemic exclusion. It found, *inter alia*, that delays in birth registration violate international human rights law, as they deprive children of legal recognition and access to essential services such as education and healthcare. The Committee further emphasised that the burden of proof in nationality cases must be shared between individuals and the State. The decision also highlighted that Albania's legal framework placed an undue burden on Roma families, making it nearly impossible for them to secure registration in this case. The Committee stressed that statelessness disproportionately affects marginalised communities, and that Roma children, due to systemic discrimination and legal barriers, face a heightened risk of being left without nationality, reinforcing cycles of exclusion and poverty.

The right to immediate birth registration is absolute, and the HRC reaffirmed that birth registration should not be contingent on bureaucratic obstacles or legal ambiguities that disproportionately affect vulnerable groups. The HRC decision sets an important legal precedent making unequivocally clear that Albania, and all States, must take proactive measures to register all children, including those born abroad to undocumented parents, and must ensure they do not fall into legal limbo. Legal barriers must be eliminated to guarantee equal access to birth registration, particularly for minoritised and stateless communities.

21 <https://qbz.gov.al/eli/ligj/2023/10/12/79/bdc232b6-beff-4a5f-a50c-1476fb0b3781>

22 Law No.10129/2009

23 https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2F2019%2F3602%2F2019&Lang=en

To implement the HRC's decision in *Rexha and Faslliu*,²⁴ Albania must:

- Immediately register all newborns, reinforcing the obligation of immediate birth registration in law and practice.
- Compensate the children for the harm suffered due to their lack of registration, beyond merely accessing State social programs, but to include direct harm compensation.
- Continue to amend its legal and administrative framework to prevent future violations and ensure full compliance with international human rights standards. There is a greater need to elaborate on the sub-legal acts to prevent the causes that produce a risk of statelessness for children;
- Raise awareness and build capacities for civil registration officials and authorities to eliminate discriminatory practices in birth registration procedures, such as towards Roma communities.

24 https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CCPR%2F142%2FD%2F3602%2F2019&Lang=en

Remaining gaps in measures to reduce statelessness

Albania has taken notable steps in recent years to resolve known cases of (risk of) statelessness within its territory, particularly through reforms that have improved access to civil registration and nationality documentation for Roma communities. These efforts appear to be significant, as reflected in the marked reduction in the number of known stateless individuals recorded in the 2023 census (205 people compared to 7,443 in 2011), and demonstrates the positive impact of strengthened legislation, sustained civil society advocacy, and increased institutional attention to legal identity and citizenship issues. However, to consolidate these gains and address all cases of statelessness, continued efforts are required to ensure that legislative reforms are implemented effectively and supported by inclusive, practical measures that reach all individuals at risk.

Moving forward, particular attention should be paid to ensuring that every individual entitled to nationality or documentation is able to access it in practice. This includes systematically monitoring the implementation of recent reforms to the Law on Civil Status and taking proactive steps to assist those at risk of statelessness, particularly members of marginalised communities, to confirm their nationality and resolve documentation issues. Importantly, these efforts must go beyond addressing only known cases and include systematised outreach and identification of individuals who may be stateless or at risk of statelessness but remain unregistered or excluded.

The broader context of social exclusion and discrimination must also be considered in efforts to reduce statelessness. The *National Action Plan for the Equality, Inclusion, and Participation of Roma and Egyptians (2021–2025)* identifies seven priority sectors for inclusion, including education, employment, housing, healthcare, and social services.²⁵ Although previous monitoring reports have noted certain improvements under this framework, they also point to persistent structural barriers, particularly in accessing formal employment and secure housing, which can undermine individuals' ability to register births and obtain identity documents.

These challenges were compounded by the earthquake that struck Albania in November 2019, the most severe in more than three decades, which affected 11 municipalities including Tirana and Durrës. Roma families were particularly impacted as many lived in informal or precarious housing that was disproportionately damaged. In the aftermath, many have reported being unable to access rental bonuses or other forms of housing support because they lacked the necessary documents, such as formal lease agreements, identity papers, or bank accounts. These bureaucratic barriers have left many in a state of prolonged housing insecurity, which in turn may have knock-on effects on civil registration across generations, underlining the need for a comprehensive and inclusive registration system.

Complementing efforts to resolve in situ cases of (risk of) statelessness through registration and nationality confirmation, Albania also provides for a somewhat facilitated naturalisation procedure for stateless people. Under this procedure, stateless people may apply for Albanian nationality if they have resided continuously in the country for at least seven years (which was unfortunately increased from five years in 2020) and possess a valid permanent residence permit at the time of application. Several requirements that apply to other foreign nationals are also waived, including minimum age, income, property ownership, and Albanian language proficiency. Applicants must not have a final conviction for a criminal offence punishable under Albanian law by three years or more of imprisonment, unless the conviction was politically motivated, and must not pose a threat to public order or national security.

While the law itself does not impose an application fee, in practice, applicants must pay an administrative fee of approximately 90 EUR, and stateless people are not exempt. Given the economic challenges faced by many stateless people, particularly members of marginalised communities, this fee may represent a significant barrier to accessing nationality. Addressing this gap by introducing a fee waiver or financial assistance mechanism would be a meaningful step towards making facilitated naturalisation genuinely accessible to those it is intended to benefit.

25 Council of Europe Office in Tirana, 19 November 2021, at: <https://www.coe.int/en/web/tirana/-/kjdfkljs>. National Action Plan for the Equality, Inclusion and Participation of Roma and Egyptians 2021–2025.

Statelessness in a migratory and mixed-movement context

In the migratory context, statelessness remains a significant issue affecting individuals who lack legal identity, often due to complex migration histories, unregistered births, or gaps in nationality laws. Migrants and returnees, particularly from marginalised Roma and Egyptian communities, are at heightened risk of statelessness, which limits their access to essential services such as education, healthcare, and legal employment. Despite legal reforms and government efforts, many stateless people in Albania continue to face bureaucratic and social barriers to acquiring citizenship.

Positively, a dedicated statelessness determination procedure (SDP) was established under the Law on Foreigners,²⁶ which entered into force in November 2021. Article 54/3 of this Law, entitled “Determining the status and issuing the document to a stateless person”, provides 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. The Government adopted this *Instruction* in June 2023, filling a legal gap and setting out the framework for the SDP.²⁷ However, further action is needed to ensure the procedure is effective in practice. As Albania pledged at the 2023 Global Refugee Forum, the *Instruction* should be revised to include the rights and obligations of recognised stateless people. In the meantime, close monitoring of its implementation is crucial, given persistent uncertainties about its functioning.

One area for improvement is the accessibility of the procedure. Under the current law, applicants must have lawful residence in Albania to access the procedure, and those who have applied for or received international protection are excluded. While the SDP lacks a time

limit for submitting a request, the requirement for lawful residence could effectively exclude individuals who are undocumented or have irregular residence status, a situation disproportionately faced by marginalised groups such as Roma communities, due to historical exclusion, lack of birth registration, or migration-related issues.

In terms of the assessment, statelessness claims are evaluated by a centralised body, the Directorate of Citizenship Policies at the General Directorate of Development for Migration and Asylum, within the Ministry of Interior. This Directorate is the relevant administrative body with expertise and deals with all matters under the Law on Citizenship, Law on Foreigners, and Law on Asylum, ensuring a degree of administrative consistency. Nevertheless, the *Instruction* also reflects that the burden of proof lies on the applicant during the SDP, who is required to provide many documents.²⁸ This burden may be prohibitive if implemented in practice, although the *Instruction* is not clear as to the consequences of not providing some documents, including where the applicant may have difficulties in obtaining them. This gap is particularly notable given that stateless people, by definition, may lack the legal status or access needed to retrieve such papers from foreign authorities, though the *Instruction* does outline that the authorities should gather country-of-origin information of the relevant country.²⁹

Moreover, according to the *Instruction* from the Minister of Interior,³⁰ there are no specific measures to ensure substantive equality in the procedure for women, children, or any other specific group. While it requires the presence of a legal guardian and translator during interviews with children or individuals with disabilities

26 Law no. 79/2021

27 Instruction of the Minister of Interior no. 87, date 21.06.2023, available at: <https://qbz.gov.al/eli/fz/2023/96/aeeeea145-5e2a-46c3-a41d-59675d87f74a;q=per%20refuzimin%20e%20pashtetesise>.

28 This includes: a birth certificate or any other equivalent document; a certificate issued by the hospital; a marriage certificate; an identification or travel document of parents, spouse, or children; a travel document (including the expired document); a document proving residence in Albania; a document certifying the place of residence recently/previously outside the territory of Albania; a document or certificate issued by the foreign authority certifying that the person is not a national of the respective country; evidence that the person is not under prosecution and convicted for criminal offenses, issued by the district prosecutor's office and the court of the judicial district, where resident is in Albania.

29 Official Gazette of the Republic of Albania No. 162, 17/10/2021, <https://qbz.gov.al/eli/fz/2021/162/8fd9e67-0996-44fa-aadb-4a32b30e7fad;q=ligj%20per%20te%20huajt>.

30 <https://qbz.gov.al/eli/fz/2023/96/aeeeea145-5e2a-46c3-a41d-59675d87f74a;q=per%20refuzimin%20e%20pashtetesise>

(point 10 of the Instruction), there are no broader measures to ensure equality of access or prevent discrimination, such as the protection of children's best interests, or the implementation of child-friendly procedures.

In addition, as noted above, 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 Albanian law is a gap which may affect people who should have a nationality but have been denied their nationality due to non-implementation (or discriminatory implementation) of the law. This is a significant gap that impacts the SDP as it can result in stateless people not being identified and being denied protection.

Improvements to the legal framework must also be matched by increased awareness and training. Currently, there are no regular or systematic government-led trainings on statelessness, and TLAS remains the only

organisation in Albania to have consistently delivered dedicated trainings for State officials and NGOs. While these efforts have been supported by international partners such as UNHCR, ENS, and the US Embassy, funding has declined significantly in recent months. In addition, neither the School of Magistrates nor the School of Advocates, responsible for the continuing education of judges, prosecutors, and lawyers, have included statelessness in their training curricula to date.

Finally, according to the Law on Legal Aid,³¹ stateless people residing lawfully in Albania are entitled to State-funded legal aid. However, it remains unclear whether stateless individuals with irregular residence status can access this support. The 2023 Instruction does not address legal aid during the procedure, highlighting a gap that could limit access to the SDP for those unable to afford legal assistance, particularly individuals from marginalised communities. To ensure full access to the procedure and protect the rights of all stateless individuals, it would be beneficial for the Instruction to be revised to include provisions for legal aid for those with irregular residence status.

Challenges in resolving cross-border cases of statelessness

Returnees from Western Europe and neighbouring countries

Children of returnees to Albania from neighbouring and other European countries often face obstacles in registering their births. This is especially true when parents have irregular residence status and cannot obtain birth certificates with the required apostille stamp. In many

cases, parents are unable to return to the child's country of birth to retrieve or legalize the necessary documents due to deportation or travel restrictions.

To address this, there is a need to simplify procedures for obtaining or correcting birth certificates, including allowing legal representatives to register the child in cases where the mother is unable to do so herself.

31 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>

Action Areas

Albanian Parliament

- Align the definition of a stateless person in Albanian law with Article 1(1) of the 1954 Convention relating to the Status of Stateless Persons.
- Consider acceding to the Council of European Convention on the Avoidance of Statelessness in Relation to State Succession.
- Introduce further safeguards to prevent statelessness arising from any renunciation, loss, or deprivation of nationality.

Government of Albania

Ministry of Interior

- Continue to amend its legal and administrative framework to prevent future violations and ensure full compliance with international human rights standards. There is a greater need to elaborate on the sub-legal acts to prevent the causes of childhood statelessness.
- Raise awareness and build the capacities of civil registration officials and authorities to eliminate discriminatory practices in birth registration procedures, to strengthen the capacity of civil servants in line with the amendments to legislation relating to birth registration.
- Review the SDP to improve procedures and related instructions, including by removing the requirement for legal residence to access the procedure, providing access to legal aid during the procedure, improving access to rights for recognised stateless people and those applying for statelessness status, and clarify how to resolve cases where the applicant may have difficulties in obtaining the necessary documents.
- Strengthen the collaboration between competent authorities under the Civil Status legislation, such as health officials, child protection units, and other bodies, as well as with legal aid centres.

- Consider carrying out a comprehensive exercise to accurately map the population affected by (risk of) statelessness in Albania.
- Put in place robust mechanisms to identify and protect stateless people from arbitrary detention, including a referral mechanism to a procedure to determine statelessness and residence rights for those released from detention to protect against re-detention.
- Embed consideration of statelessness as a juridical relevant fact in all decisions to detain.

- Take concrete steps to improve the recording of statelessness, including by harmonising and disaggregating data on stateless people in Albania and build the capacity of officials to accurately identify and record statelessness.

Ministry of Health and Social Protection

- Install in all health institutions (maternity units) a programme that immediately and automatically reports the birth of each new-born child to the civil status record, in real time, to prevent risk of statelessness and implement the decision from the Human Rights Committee.
- Review and elaborate on the sub-legal acts related to the concept of compensating the children for the harm suffered due to their lack of registration, to prevent future violations and ensure full compliance with international human rights standards.

Local authorities

- Apply civil registration and citizenship laws consistently and transparently, ensuring full access to procedures and legal aid in all municipalities.
- Implement the 2024 Civil Status Law, the 2021 Law on Foreigners, and the 2023 SDP Instruction effectively, with trained staff and accessible services.
- Guarantee birth registration for all children, including those born to undocumented parents or abroad, in line with 2018 legislative amendments.

- Develop and implement clear operational guidelines in collaboration with CSOs and ensure inclusive policy-making that engages affected communities.
- Allocate dedicated budgets and implement targeted programmes to improve access to education, housing, documentation, and services for Roma and Egyptian communities.
- Promote trust and inclusion through community outreach and anti-discrimination strategies, and report regularly on the progress of the Roma and Egyptian Action Plan.

European Union and Council of Europe

- Integrate statelessness and civil registration issues into Albania's EU accession monitoring under fundamental rights and Roma inclusion benchmarks.
- Provide targeted funding to support work to address statelessness, including knowledge-sharing, capacity-building, community engagement, provision of legal aid, and advocacy activities.
- Support Albania to participate in regional cooperation initiatives.
- Monitor and support alignment of national laws with international and regional standards concerning the prevention and reduction of statelessness, child rights, anti-discrimination, and Roma inclusion.
- Promote inclusive data systems and monitoring frameworks involving civil society to track progress on ending statelessness.

UNHCR, other International Organisations and Donors

- Continue to support the Albanian Government and civil society to prevent and reduce statelessness and address systemic barriers to birth registration, nationality acquisition, and personal documentation.
- Provide technical assistance, resources, and monitoring support for the implementation of Albania's

statelessness determination procedure and legislative reforms, including the 2024 Civil Status Law and Law on Citizenship, with particular attention to Roma and Egyptian communities.

- Assist in aligning national laws with the 1954 and 1961 Conventions, ensuring procedural safeguards, legal status, and rights for recognised stateless persons.
- Support improved data collection and analysis on statelessness and facilitate coordination among government institutions and civil society.
- Leverage Albania's membership of the Global Alliance to End Statelessness, ensuring effective participation in the Solution Seekers Programme and mobilising resources for durable legal and policy reforms.
- Fund projects working with and for communities affected by statelessness in the Western Balkans, including specifically for legal assistance, capacity-building of state institutions and services, community engagement, and law and policy reform.

Civil society organisations

- Raise awareness, advocate for policy change, and participate in national consultations to support the government in evaluating and improving statelessness-related frameworks, including the SDP.
- Provide free legal aid, engage in strategic litigation, and conduct community outreach to identify and support stateless persons, especially among Roma, Egyptian, and undocumented migrant communities.
- Strengthen coordination among CSOs working on Roma inclusion to increase the efficiency and impact of services in areas such as housing, healthcare, and employment.
- Monitor implementation of Albania's international and regional commitments, including pledges under the 2019 HLS and the Poznan Declaration.

This paper was prepared by Tirana Legal Aid Society and Roma Active Albania in collaboration with the European Network on Statelessness.

Tirana Legal Aid Society (TLAS) is a local NGO with a mission to fulfil the legal and social needs of the most vulnerable people to develop communities and strengthen democracy in Albania. TLAS offers quality legal services focusing on stateless individuals and those at risk of statelessness, drafts and delivers information on important human rights issues, undertakes law improvement initiatives, and builds capacities of civil servants, professionals, and grassroots members. TLAS collaborates with Albanian authorities and cooperates in all legislative and administrative changes related to the prevention and eradication of statelessness and supports the ambitious goal of eliminating the causes of statelessness.

Roma Active Albania (RAA) works to empower Roma communities by strengthening their role in local and national policy and decision-making. Through constructive dialogue with government institutions, RAA advocates for meaningful change in Roma inclusion, non-discrimination, and equal citizenship rights. Its capacity-building programmes equip Roma women, youth, and grassroots organisations with the skills, knowledge, and confidence needed to actively engage in policy development, decision-making, and monitoring processes.

The European Network on Statelessness (ENS) is a civil society alliance of over 180 NGOs, lawyers, academics, and other independent experts in over 40 countries committed to addressing statelessness in Europe. ENS organises its work around three pillars – law and policy development, awareness-raising, and capacity-building. ENS provides expert advice and support to a range of stakeholders, including governments.

Roma Integration Phase III is a Joint Programme of the European Union and the Council of Europe. It aims to strengthen the capacity of governments in the Western Balkans and Türkiye to effectively address the multifaceted challenges faced by the Roma community through the implementation of comprehensive public policies. These policies cover critical areas such as housing, employment, population registration, as well as the green and digital transition.

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