

**LAW NO. 04/L-219 ON FOREIGNERS**

**Assembly of Republic of Kosovo;**

Based on Article 65 (1) of the Constitution of the Republic of Kosovo,

Adopts

**LAW ON FOREIGNERS**

**CHAPTER I  
GENERAL PROVISIONS**

**Article 1  
Purpose**

This law regulates the conditions of entry, movement, residence and employment of foreigners in the territory of the Republic of Kosovo.

**Article 2  
Scope**

1. The provisions of this law shall apply to foreigners as long their status shall not be regulated under other legal provisions or under an international agreement endorsed by the Republic of Kosovo.

2. The provisions of this law shall not apply to foreigners as long their status is regulated under the law on status, immunity and privileges of diplomatic and consular missions, their staff, international military presence and their staff in the Republic of Kosovo.

3. Nothing in this law shall affect the rights, obligations and responsibilities of authorities and individuals under international law, including international humanitarian law and international human rights law and, in particular, the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, the principle of non-refoulement and the right to seek asylum as contained therein.

**Article 3  
Definitions**

1. Terms used in this Law shall have the following meaning:

1.1. **Foreigner** - any person who is not a citizen of the Republic of Kosovo;

1.2. **Stateless Person** – any person who is not considered a citizen of any state in the framework of the law of the pertinent state;

1.3. **Travel Document** – a passport or other equivalent document entitling the holder to cross the border and to which a visa may be affixed;

1.4. **Travel Document for Foreigners** – a travel document for foreigners, a travel document for stateless persons ,travel document for refugees, persons under subsidiary protection and travel paper for foreigners issued by the Republic of Kosovo;

1.5. **Carrier** – a natural or legal person whose profession is to provide transport of persons;

1.6. **Daily Migrant** – a citizen of a neighboring state, where he/she lives and comes every day to work in the Republic of Kosovo and returns back to his/her place of residence;

1.7. **Legal person** – an entity having such status under the applicable law, except for state or public bodies exercising state authority and for public international organizations;

1.8. **Visa** – an authorization issued by the Republic of Kosovo for the purpose of transit through territory of the Republic of Kosovo or international airport, or residence for a given time no longer than three months for a six months period from the date of first entry in the territory of the Republic of Kosovo;

1.9. **Residence permit** – any authorization issued by the authorities of the Republic of Kosovo allowing a foreigner to stay legally on its territory, with the exception of:

1.9.1. visas;

1.9.2. permits issued pending examination of an application for a residence permit or for asylum.

1.10. **Illegal Residence** – the presence on the territory of the Republic of Kosovo, of a foreigner who does not fulfill, or no longer fulfills the conditions for entry, residence or residence in the Republic of Kosovo;

1.11. **Refugee** – a person who owing to the well founded fear of persecution for reason of race, religion, nationality, political conviction or belonging to a particular social group, is outside their country of nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned above, is unable or, owing to such fear, unwilling to return to that country.

1.11.1. the concept of race shall, in particular, include considerations of colour, descent, or membership of a particular ethnic group;

1.11.2. the concept of religion shall in particular include the holding of theistic, non-theistic and atheistic beliefs, the participation in, or abstention from, formal worship in private or in public, either alone or in community with others, other religious acts or expressions of view, or forms of personal or communal conduct based on or mandated by any religious belief;

1.11.3. the concept of nationality shall not be confined to citizenship or lack thereof but shall, in particular, include membership of a group determined by its cultural, ethnic, or linguistic identity, common geographical or political origins or its relationship with the population of another State;

1.11.4. a group shall be considered to form a particular social group where in particular:

1.11.4.1. members of that group share an innate characteristic, or a common background that cannot be changed, or share a characteristic or belief that is so fundamental to identity or conscience that a person should not be forced to renounce it, and

1.11.4.2. That group has a distinct identity in the relevant country, because it is perceived as being different by the surrounding society. Depending on the circumstances in the country of origin, a particular social group might include a group based on a common characteristic of sexual orientation. Sexual orientation cannot be understood to include acts considered to be criminal in accordance with national law of the Republic of Kosovo. Gender related aspects, including gender identity, shall be given due consideration for the purposes of determining membership of a particular social group or identifying a characteristic of such a group;

1.11.5. the concept of political opinion shall, in particular, include the holding of an opinion, thought or belief on a matter related to the potential actors of persecution mentioned in sub-paragraph 1.11 of this Article and to their policies or methods, whether or not that opinion, thought or belief has been acted upon by the applicant.

1.12. **Employment** – the exercise of activities covering whatever form of labour or work regulator under the applicable law or in accordance with established practice for or under the direction and/or supervision of an employer;

1.13. **Employer** – any natural person or any legal entity, including temporary work agencies, for or under the direction and/or supervision of whom the employment is undertaken;

1.14. **Employee** – a natural person hired for conducting work or services against a payment for the employer;

1.15. **Work permit** – the authorization entitling its holder to reside and work within the territory of the Republic of Kosovo under the terms of this law;

1.16. **Illegal employment** – the employment of an illegally residing foreigner in the Republic of Kosovo;

1.17. **Sub-Contractor** – any natural person or any legal entity, to whom the execution of all or part of the obligations of a prior contract is assigned;

1.18. **Temporary Work Agency** – any natural or legal person who, in compliance with applicable law concludes contract of employment or employment relationships with temporary agency workers in order to assign them to user undertakings to work there temporarily under their supervision and direction;

1.19. **Seasonal worker** – a foreigner that resides in the state of which he/she is citizen of or in which he/she has a permanent residence permit and who is with an employer based in the Republic of Kosovo and has signed a contract for a certain job for a limited time no longer than six (6) months;

1.20. **Foreign employer** – a foreign natural or legal person which carries out work in the Republic of Kosovo based on previous agreement or contract and which has an authorized office registered in the Republic of Kosovo;

1.21. **Posted worker** – a worker, his/her foreign employer in the framework of cross-border provision of services has sent him/her for a limited period of time to work in the Republic of Kosovo, which is not the state in which he/she normally works;

1.22. **Highly qualified employment** – the employment of a person who:

1.22.1. is protected as an employee under the law on employment or in accordance with national practice, irrespective of the legal relationship, for the purpose of exercising genuine and effective work for, or under the direction of someone else;

1.22.2. is paid; and

1.22.3. has the required adequate and specific competence, as proven by higher professional qualifications.

1.23. **Higher professional qualifications** - qualification attested by evidence of higher education qualifications;

1.24. **Higher education qualification** -- any diploma, certificate or other evidence of formal qualifications issued by a competent authority attesting the successful completion of a post-secondary higher education programme, namely a set of courses provided by an educational establishment recognized as a higher education institution by the State in which it is situated,

a higher education qualification shall be taken into account, on condition that the studies needed to acquire this qualification it lasted at least three years;

1.25. **Return** - the process of a foreigner going back, whether in voluntary compliance with an obligation to return or enforced, to his country of origin or to another country;

1.26. **Removal** - the enforcement of the obligation to return, namely the physical transportation out of the Republic of Kosovo;

1.27. **Family reunification** – the entry into and residence in the territory of the Republic of Kosovo by family members of a foreigner residing lawfully in the Republic of Kosovo in order to preserve the family unit, whether the family relationship arose before or after the resident's entry;

1.28. **Unaccompanied child** - foreign nationals or stateless persons under the age of eighteen (18), who enter the territory of the Republic of Kosovo without being accompanied by an adult who is responsible for them according to the law or customary tradition and for as long as they are not effectively taken into the care of such a person. An unaccompanied child includes minors left alone after entry in the territory of Kosovo.

1.29. **Sponsor** - a foreigner residing lawfully in the Republic of Kosovo and applying or whose family members apply for family reunification to be joined with him/her.

#### **Article 4**

##### **Foreigner with more than one citizenship**

A foreigner who has more than one citizenships shall be obliged that during his/her residence in the Republic of Kosovo to use and leave from the Republic of Kosovo by a regular travel document by which has entered into the Republic of Kosovo.

#### **Article 5**

##### **Applicable legislation**

1. A foreigner is obliged during the movement and residence in the Republic of Kosovo to comply with applicable legislation in the Republic of Kosovo.

2. A foreigner whose movement has been limited to a given area, he/she may move within that area, only.

3. A foreigner who infringes provisions from paragraph 2 of the present Article, may be confiscated the document which enables his/her movement in the given area and for this shall be issued a certificated.

4. The rights of foreigners which request, or it is reasonably believed that may request any kind of international protection shall be prescribed in accordance with provisions of Law on Asylum.

5. The foreigner is not allowed to establish political parties, but is allowed to establish associations in accordance with respective legislation in power.

6. If not otherwise provided with this law, procedure for foreigners shall be in accordance with law on administrative procedure and other relevant laws.

#### **Article 6**

##### **Rejection or revocation of residence permit for national security circumstances**

1. Security checks of foreigners for the purpose of determining the reasons related to national security shall be carried out by the Kosovo Intelligence Agency (hereinafter KIA), as provided in Article 2 of the Law on Kosovo Intelligence Agency.

2. In case of rejection or revocation of a residence permit to a foreigner for the reasons related to national security, a decision shall be issued without justification with regard to the circumstances for which such a decision has been issued.
3. A foreigner subject to paragraph 1 of this Article has a right to appeal at a competent court.
4. A foreigner subject to paragraph 1 of this Article that have refugee status or subsidiary protection will be processed according to the procedure provided for in the Law on Asylum.

### **Article 7** **Travel Documents for foreigners**

1. Republic of Kosovo shall issue the following travel documents for foreigners, which do not possess any travel document:
  - 1.1. travel document for a foreigner, valid for a foreigner who legally resides in the Republic of Kosovo but does not possess and is unable to obtain a valid foreign travel document from the country whose citizen he/she is;
  - 1.2. travel document for refugees, valid for a foreigner who has been granted Asylum or Complementary Protection in accordance with the Law on Asylum;
  - 1.3. travel document for a stateless person, as defined in the 1954 Convention of the Status of Stateless Persons;
  - 1.4. travel paper for foreigners, valid for a single exit or entry to a foreigner who does not possess a valid travel document, as specified in this law.
2. Travel document for stateless persons shall be issued in accordance with the conditions laid down under international agreements.
3. Travel paper for a foreigner shall be issued with a validity period of thirty (30) days.
4. The format, content and procedure for issuing the Travel Documents laid down under this Article, shall be defined by a by-law to be adopted by MIA.

### **Article 8** **Issuance of a travel paper to a foreigner**

1. A travel paper to a foreigner shall be issued to a person who has no foreign travel document if:
  - 1.1. it is released from the citizenship of the Republic of Kosovo to go abroad;
  - 1.2. has lost the travel document or in any other way has been left without it, whereas the state whose citizen he/she is has no diplomatic or consular mission in the Republic of Kosovo and there is nobody to represent his/her interests from another state to exit outside the country;
  - 1.3. a foreigner has lost the travel document for refugee outside the country, the travel document for stateless persons and persons under subsidiary protection issued by the Republic of Kosovo;
  - 1.4. it is under enforced removal procedure for the purpose of removal from the Republic of Kosovo.
2. Exceptionally to paragraph 1 of the present Article, travel paper for a foreigner may be issued also in cases there are other legal reasons.

3. Travel paper for a foreigner in accordance to the reasons under sub-paragraph 1.1. ,1.2. and 1.4. of the present Article shall issue the Department for Citizenship, Asylum and Migration (hereinafter DCAM) of the Ministry of Internal Affairs.

4. Travel paper for a foreigner in accordance to the reasons under sub-paragraph 1.3. of the present Article shall issue diplomatic or consular missions of the Republic of Kosovo, based on a previous consent by DCAM.

### **Article 9** **Rejection of issuing a travel document to a foreigner**

1. A travel document for a foreigner shall not be issued to a foreigner:

1.1. against whom there is a procedure being carried out for a criminal or minor offense, unless there is the consent of the state authority which is carrying out the procedure;

1.2. who was sentenced with imprisonment or a fine, as far as he/she has not served the sentence or paid the punishment by a fine;

1.3. who did not perform legal property accrued liabilities for which there is an executive order;

1.4. if wanted for the reasons of state security, public order or public health.

2. A foreigner who is under the removal process may be issued a travel document for a foreigner, irrespective of the existence of circumstances according to paragraph 1. Sub-paragraph 1.1. 1.2. and 1.3. of the present Article.

3. In the case referred to in paragraph 1 of this Article, the foreigner is entitled to appeal for which an Appeals Commission shall decide upon, to be nominated by the Government (hereinafter Appeals Commission).

4. Composition, duties, responsibilities and the decision-making procedure of the Appeals Commission shall be regulated with a bylaw to be adopted by the Government.

### **Article 10** **Withdrawal of a travel document for a foreigner**

1. In cases when is established that there is one of the reasons referred to in paragraph 1 of Article 9 of this Law, DCAM shall withdraw the travel document for a foreigner.

2. In cases of withdrawal of the travel document for a foreigner, DCAM must issue a decision. Against such a decision the foreigner has the right to appeal for which the Appeals Commission shall decide.

## **CHAPTER II** **VISAS**

### **Article 11** **Visa regime**

1. A foreigner who is a citizen of the state for which a visa is required to enter into the Republic of Kosovo is obliged to obtain a visa prior to entry into the Republic of Kosovo.

2. The Government of the Republic of Kosovo shall set a visa regime with a decision, based on the proposal of the Ministry of Foreign Affairs (hereinafter MFA).

3. On the basis of a visa, a foreigner can not work in the territory of the Republic of Kosovo.

4. Visas shall be issued by the diplomatic or consular missions of the Republic of Kosovo, or authorized authorities by the Government of the Republic of Kosovo.

5. An issued visa guarantees not the entry of a foreigner into the Republic of Kosovo.

## **Article 12** **Types of visas**

1. Republic of Kosovo shall issue the following visas:

1.1. air-transit visa;

1.2. entry visa.

## **Article 13** **Air-transit visa**

1. A foreigner, which during his time of residence in an airport of the Republic of Kosovo or in the course of international flights does not leave the international transit zone, needs no visa.

2. Exceptionally from paragraph 1. of this Article, the Government of the Republic of Kosovo, may set out for foreign citizens of given states as well as holders of the passports issued by competent authorities of the state to have an air transit visa.

3. An air-transit visa shall be issued for one (1), two (2) or more transit passages through the international air transit zone.

4. Validity of the air transit visa includes an additional grace period of fifteen (15) days.

5. Exceptionally from paragraph 4. of this Article, additional time is not applied in cases concerning reasons which relate to state security, public order or international relations.

6. Multiple air transit visa shall be issued for a period of up to six (6) months.

## **Article 14** **Entry visa**

1. Entry visa is issued for the purpose of transit through the Republic of Kosovo or residence in the territory of the Republic of Kosovo.

2. Entry visa is issued for one (1), two (2) or more entries into the Republic of Kosovo.

3. Period of validity of the entry visa shall not exceed five (5) years.

4. Multiple-entry visas shall be issued with a period of validity between six (6) months and five (5) years, if the foreigner proves:

4.1. the need or the intention to travel frequently and/or regularly, in particular due to his occupational or family status, such as: business purpose, civil servants engaged in regular official contacts with the institutions of the Republic of Kosovo, representatives of civil society organizations travelling for the purpose of education, training, seminars and conferences, family members of a citizen of the Republic of Kosovo, family members of a foreign citizen legally residing in the Republic of Kosovo;

4.2. integrity and reliability, in particular the lawful use of previously issued visas, his financial situation in the country of origin and his genuine intention to leave the territory of the Republic of Kosovo before the expiry of the visa applied for.

5. In the case of transit, period of validity of the visa shall be in compliance with the time required for transit.

6. Period of validity includes also an additional grace period of fifteen (15) days.

7. Exceptionally from paragraph 6 of this Article, additional grace period of time shall not apply in cases concerning reasons which relate to state security, public order or international relations.

#### **Article 15**

##### **Cooperation with commercial intermediaries and external service providers**

1. In the course of collection of visa applications, commercial intermediaries and/or external service providers, may take part as well.

2. Based on paragraph 1 of this Article the examination of applications, interviews, the decision making and the printing and affixing of visa is exclusive responsibility of the diplomatic or consular missions. Commercial intermediaries and/or external service providers shall have no access in the visa information system of Kosovo.

3. Duties and responsibilities of commercial intermediaries and/or external service providers shall be regulated with a bylaw to be adopted by MFA.

#### **Article 16**

##### **Obligation to obtain a visa**

1. Prior to issuance of a visa, MFA in given cases referred to in the sub-legal act, must obtain priorly a consent from MIA and KIA.

2. Without prejudice to paragraph 1 of the present Article, applications for visas may be examined and decided on at the borders, in accordance with Article 25 and 26 of the present Law.

#### **Article 17**

##### **Lodging a visa application**

1. Applications for visa shall be lodged via the form not later than three (3) months before the start of the intended visit.

2. In cases where more than one person are included in a travel document, visa applications should be made separately for each person who intends to obtain a visa, under the form referred to in paragraph 1. of this Article.

3. Visa application must be accompanied with the documents that verify the purpose of entry or residence in the Republic of Kosovo and the conditions of transit. Taxes and other documents required to obtain a visa, the form, manner and procedure of issuance shall be stipulated under a bylaw to be adopted by MFA.

#### **Article 18**

##### **Affixing a visa sticker**

1. The visa shall be affixed to the valid travel document in the form of a sticker.

2. Exceptionally from the paragraph 1. of this Article, where the Republic of Kosovo does not recognize officially the applicant's travel document, visa sticker shall be affixed in the separate sheet and such an undertaking shall be registered in the visa information system of the Republic of Kosovo.

#### **Article 19**

##### **Travel medical insurance**

1. A foreigner who applies for an entry visa for one or more entries shall have to prove that he/she is in possession of an adequate and valid travel medical insurance to cover any expenses which might arise in connection with repatriation in the country of origin he/she came from, for medical reasons, urgent medical attention and/or emergency hospital treatment or death, during their residence in the Republic of Kosovo.



2. A foreigner who applies for an entry visa for one or more than two entries (multiple entries) shall have to prove that he/she is in possession of an adequate and valid travel medical insurance covering the period of his/her first intended visit. In addition, the foreigner shall sign the statement, set out in the application form, declaring that they are aware of the need to be in possession of travel medical insurance for subsequent entries.

3. Irrespective of paragraph 1. and 2. of the present Article, evidence of travel medical insurance shall be exempted to submit:

3.1. holders of diplomatic passports;

3.2. other professional groups which already are in possession of travel medical insurance due to their professional activities.

## **Article 20 Kosovo Visa Information System**

1. Visa form and the data collected from a foreigner, as well as natural or legal persons referred to in Article 17 paragraph 3. of this Law shall be stored and processed in Kosovo Visa Information System (hereinafter referred to as KVIS) in accordance with the bylaws to be adopted by MFA.

2. The data on issuing, extension, refusal and annulment of the visa shall be entered into KVIS in accordance with the bylaws to be adopted by MFA.

## **Article 21 Collection of biometric data**

1. A foreigner who for the first time submits an application for the issuance of an entry visa must personally submit the application to the diplomatic or consular missions of the Republic of Kosovo for the collection of biometric data, such as:

1.1. a photograph, scanned or taken at the time of application, pursuant to the bylaws governing the visa issuance;

1.2. his ten (10) fingerprints, taken digitally, pursuant to the bylaw via which KVIS shall be governed.

2. Biometric data referred to in paragraph 1 of the present Article must be added to KVIS.

3. Irrespective from paragraph 1 of this Article, fingerprints shall not be collected from:

3.1. children under the age of twelve (12);

3.2. persons for whom fingerprinting is physically impossible. If the fingerprinting of fewer than ten (10) fingers is possible, the maximum number of fingerprints shall be taken. However, should the impossibility of fingerprinting be temporary, the applicant shall be required to give the fingerprints at the following application;

3.3. heads of state or government and members of a government with accompanying spouses, and the members of their official delegation when they are invited by the Government of the Republic of Kosovo or by an international organization for an official purpose;

3.4. sovereigns and other senior members of a royal family, when they are invited by the Government of the Republic of Kosovo or by an international organization for an official purpose.

**Article 22**  
**Admissibility of a visa application**

1. A visa application shall be admissible if:

- 1.1. has been lodged no later than three (3) months before the intended date of travel;
- 1.2. has been sent in the form prescribed under Article 17 of this law;
- 1.3. application is accompanied by a travel document pursuant to Article 24 paragraph 1. of the this law;
- 1.4. the application is accompanied by a photograph;
- 1.5. the biometric data have been collected;
- 1.6. the administrative fee has been paid as set out in the bylaw on visa issuance.

2. In cases where the conditions referred to in paragraph 1. of this Article have been fulfilled, the competent consulate shall receive the application, examine the application and follow the procedures described under the bylaw on visa issuance.

3. In cases where the conditions referred to in paragraph 1. of this Article have not been fulfilled, the competent consulate shall declare the application inadmissible and shall act in accordance with the bylaw on visa issuance. Exceptionally, if the requirements set out in paragraph 1. of this Article are not met, the application may be considered admissible on humanitarian grounds or for reasons of national interest.

**Article 23**  
**Deadline for decision on a visa application**

1. In the cases where a visa application is admissible in accordance with Article 22 of this Law, competent consulate shall decide on the visa application within fifteen (15) calendar days of the date of the lodging of the application.

2. Exceptionally from paragraph 1 of this Article, the period of time for decision on a visa application may be extended up to thirty (30) calendar days in cases when further scrutiny of the application is needed, in cases of representation where further consultations are required by authorities of the Republic of Kosovo or up to sixty (60) calendar days when additional documentation is needed in specific cases.

**Article 24**  
**Issuing of visa on a travel document**

1. A visa shall be issued on the travel document if:

- 1.1. its validity shall extend at least three (3) months after the intended date of departure from the territory of the Republic of Kosovo or, in the case of several visits, after the last intended date of departure from the territory of the Republic of Kosovo;
- 1.2. it shall contain at least two (2) blank pages;
- 1.3. it shall have been issued within the previous ten (10) years.

2. Exceptionally from sub-paragraph 1.1. of this Article, in cases of emergency, the visa may be issued on a travel document whose validity is shorter.

**Article 25**  
**Issuing of a visa at border crossing point**

In exceptional cases, entry visa may be issued at a certain border crossing point for residence of no longer than fifteen (15) days, depending on the purpose and the conditions of residence.

**Article 26**  
**The conditions for issuing a visa at border crossing point**

1. A visa at border crossing point pursuant to Article 25 of this law may be issued in exceptional cases by the Border Police if foreigners fulfill the following conditions:

1.1. they are in possession of a valid travel document or other documents necessary to cross the border;

1.2. they justify the purpose and conditions of residence, and they have sufficient means of subsistence, including for the duration of residence in the Republic of Kosovo and for the return to their country of origin or to cross transit to a country into which they are certain to be admitted, or are in a position to acquire such means lawfully;

1.3. no entry ban or residence in the Republic of Kosovo has been issued;

1.4. they are not considered to be a threat to state security, public order, public health or the relations of the Republic of Kosovo with other states;

1.5. The applicant has not been in a position to apply for a visa in advance and submit, if required, supporting documents substantiating unforeseeable and imperative reasons for entry;

1.6. The applicant's return to their country of origin or residence or transit is assessed as certain.

2. The requirements and procedure for issuing of a visa at a border crossing point shall be governed by a separate bylaw to be adopted by MIA.

**Article 27**  
**Extension of visa**

1. Extension of visa and the duration of residence shall be extended where the DCAM considers that a visa holder has provided sufficient proof of force majeure or humanitarian reasons preventing him/her from leaving the territory of the Republic of Kosovo before the expiry of the period of validity of or the duration of residence authorized by the visa. Visa extension from this paragraph shall be granted free of charge.

2. The period of validity and the duration of residence may be extended if the visa holder provides proof of serious personal reasons justifying the extension of the visa and the duration of residence. The amount of payment for extension of visa under this paragraph shall be prescribed by a bylaw

3. Extension of visas shall take the form of a separate sticker and the information on an extended visa shall be entered into the KVIS.

4. The requirements and procedure for visa extension shall be governed under a bylaw to be adopted by MIA.

**Article 28**  
**Refusal of a visa**

1. A visa shall be refused in case the applicant:

1.1. presents a travel document which is false, counterfeit or forged;

- 1.2. does not provide justification for the purpose and conditions of residence;
  - 1.3. does not provide proof of sufficient means of subsistence, for the duration of residence in the Republic of Kosovo, including the duration of residence in the Republic of Kosovo and for the return to his/her country of origin he/she is coming from, or for the transit to a country into which he/she is certain to be admitted;
  - 1.4. has already resided for three (3) months during the six (6) month period in the Republic of Kosovo;
  - 1.5. an entry ban or residence in the Republic of Kosovo has been issued;
  - 1.6. presents a threat to state security, public order, public health or the relations of the Republic of Kosovo with other states;
  - 1.7. is not in possession of an adequate travel medical insurance.
2. A visa shall be refused in case there are reasonable doubts as to the authenticity of the supporting documents submitted by the applicant or the reliability of the statements made by the applicant, and his/her intention to leave the territory of the Republic of Kosovo is not reliable.
  3. In case of a visa refusal and the reasons on which it is based shall be issued to the applicant by means of a written decision set out in the form as prescribed under the bylaw.
  4. Applicants who have been refused a visa shall have the right to appeal to the Appeals Commission within eight (8) days from receiving the decision on refusal of visa.
  5. Information on a refused visa shall be entered into the KVIS.

#### **Article 29 Annulment and revocation of a visa**

1. A visa shall be annulled where it becomes evident that the conditions for issuing it were not met at the time when it was issued, in particular if there are serious grounds for believing that the visa was fraudulently obtained.
2. A visa shall be revoked where it becomes evident that the conditions for issuing it are no longer met. Visa may be revoked at the request of the visa holder.
3. If a visa is annulled or revoked, a stamp stating "ANNULLED" or "REVOKED" shall be affixed to it and shall be invalidated by being crossed out.
4. In the case of annulment or revocation of a visa a written decision shall be issued, including the reasons for annulment or revocation.
5. In the case of annulment or revocation of a visa, the applicant shall have the right to appeal to the Appeals Commission within eight (8) days after receiving the decision.
6. Information on an annulled or a revoked visa shall be entered into the KVIS.

### **CHAPTER III ENTRY AND EXIT OF FOREIGNERS**

#### **Article 30 Entry of foreigners in the territory of the Republic of Kosovo**

1. A foreigner shall be considered to have entered in the territory of the Republic of Kosovo if he/she has crossed the border check point and undergone the border check and in specific cases if he/she has crossed the border line.

2. A foreigner registered in the travel document of another person may enter and exit the territory of the Republic of Kosovo together with the person on whose travel document he/she is registered, only.

3. Border checks referred to in paragraph 1 of the present Article shall be carried out in compliance with the Law on State Border Control and includes the verification of the conditions for entry specified under Article 31 of the Law.

### **Article 31** **Entry conditions for a foreigner into the Republic of Kosovo**

1. A foreigner may be allowed to enter the Republic of Kosovo for stays not exceeding three (3) months per six (6) month period provided that he or she meets the following conditions:

1.1. is in possession of a valid travel document or other document authorizing him/her to cross the border;

1.2. is in possession of a valid visa or residence permit, when required;

1.3. he/she justifies the purpose, the conditions of entry and residence and proves to have sufficient means of subsistence, both for the duration of the intended residence in the Republic of Kosovo and for the return to their country of origin or transit to a third country into which they are certain to be admitted, or are in a position to acquire such means lawfully;

1.4. no entry or residence ban has been issued for in the Republic of Kosovo;

1.5. constitutes no threat to state security, public order, public health in the Republic of Kosovo.

2. A foreigner who does not fulfill the conditions referred to in paragraph 1. of the present Article, may be authorized to enter in the Republic of Kosovo at a given border crossing point, if required on humanitarian grounds, in particular persons in need of international protection, on grounds of national interest or because of international obligations of the Republic of Kosovo.

3. The amount of sufficient means of subsistence shall be set out with a decision of the Minister of MIA and height of this amount shall be assessed in accordance with the duration and the purpose of residence, by reference to average prices for subsistence.

4. The assessment of sufficient means of subsistence may be based on the cash, travellers' cheques and credit cards in the foreigner's possession. Declarations of sponsorship and letters of guarantee from hosts which shall be approved by the DCAM prior to their entry in the Republic of Kosovo, may also constitute, in certain cases, evidence of sufficient means of subsistence.

5. The Government of the Republic of Kosovo with a decision may decide that the citizens of certain states may enter and exit the Republic of Kosovo with a valid identification document or other documents proving the identity and citizenship. Also the Government of Kosovo may with a decision may prescribe in cases when foreigners who come from countries which need a visa for entering the country may enter and residence for a given period of time in the Republic of Kosovo with a valid Schengen visa or residence permit of one of the countries of the Schengen zone, if they do fulfill the conditions referred to in paragraph 1. of this Article.

6. A non-exhaustive list of supporting documents which the border police may request from the foreigner in order to verify the fulfillment of the conditions set out in sub-paragraph 1.3 of this Article will be detailed in a sub-legal act related to the prohibition of entry of foreigners into the Republic of Kosovo.

**Article 32**  
**Refusal of entry of a foreigner in the Republic of Kosovo**

1. A foreigner who does not fulfill the entry conditions laid down in Article 31 of the Law, shall be refused entry to the territory of the Republic of Kosovo and a decision with the justification for the refused entry shall be issued to him/her.

2. A foreigner has the right to appeal against the decision referred to in paragraph 1. of the present Article. Appeal shall be made at the diplomatic or consular missions having territorial competence or at the Appeals Commission. Appeal against such a decision shall not have suspensive effect of its execution.

**Article 33**  
**Illegal entry in the Republic of Kosovo**

1. Illegal entry in the Republic of Kosovo shall be considered if a foreigner:

1.1. crosses the border at a place and time not defined for state border crossing;

1.2. avoids border check as defined under the Law on State Border Control;

1.3. enters in the territory of the Republic of Kosovo having an entry and residence ban in the Republic of Kosovo;

1.4. has used the three (3) months period of residence within six (6) months;

1.5. has entered on the basis of a false, counterfeit or forged travel document, visa or residence permit.

**Article 34**  
**Exit of a foreigner from the Republic of Kosovo**

1. A foreigner may freely leave from the Republic of Kosovo, unless:

1.1. a foreigner is in possession of an invalid foreign document, false document and other forged travel document used in abusive manner;

1.2. a foreigner does not meet the conditions of entry to the other state;

1.3. there are reasonable doubts that the foreigner shall avoid a criminal or minor offense prosecution, warrant arrest or settlement of obligations as defined under the law;

1.4. such is required for the reasons of state security, constitutional order or public affairs pursuant to the decision of competent authority.

2. A foreigner shall be granted exit from the Republic of Kosovo when the reasons referred to in paragraph 1. of the present Article cease to exist.

**Article 35**  
**Carrier duties**

1. A carrier may carry a foreigner to a border crossing point of the Republic of Kosovo if the foreigner is in possession of a valid travel document or other document required for border crossing, of a valid visa, if required or a residence permit.

2. The carrier may bring the foreigner to the border crossing point if he/she meets the requirements for entry in the Republic of Kosovo.

3. If a foreigner is refused entry into the Republic of Kosovo, the carrier that has brought him/her to the border crossing point, at the request of the authority for border control, shall return him/her to the

state from which he/she entered, in the state where the document of the foreigner is issued, or any other state which he/she is certain to be admitted.

4. If the carrier cannot bring the foreigner back from the Republic of Kosovo in accordance with paragraph 3. of this Article, it shall promptly and at its own expenses provide another carrier.

5. The carrier, which has brought the foreigner to the state border or in the territory of the Republic of Kosovo in infringement of paragraph 2. of the present Article, must pay for the accommodation and expenses for returning back the foreigner.

6. Obligations deriving from the present Article shall also apply to carriers that carry a foreigner to the state border or within the territory of the Republic of Kosovo, which is in transit or who has been refused further transportation by the other carrier or to whom entry into the country of destination has been refused and returned back in the Republic of Kosovo.

7. An organizer of tourist trips or business ones in the Republic of Kosovo, shall be obliged that to foreigners to whom have been provided the relevant service, to cover the costs of leaving from the Republic of Kosovo, if to the foreigner has been applied an entry ban or the foreigner shall be removed by force from the Republic of Kosovo, if these costs the foreigner can not cover themselves.

#### **Article 36** **Prohibition of illegal assistance to a foreigner**

Any person that in any form assists foreign citizens to enter illegally, transit through or residence illegally in the territory of the Republic of Kosovo will be held criminally responsible and will be convicted in accordance with applicable law.

### **CHAPTER IV** **RESIDENCE OF FOREIGNERS**

#### **Article 37** **Types of residence**

1. Types of residence in the Republic of Kosovo are:

- 1.1. short-term residence;
- 1.2. temporary residence and
- 1.3. permanent residence.

#### **Article 38** **Short-term residence**

1. Short-term residence shall mean residence of a foreigner up to three (3) months within the period of six (6) months without visa or with visa, if required.

2. Short-term residence may be shorter than three (3) months when this is indicated in the visa. Period of residence shall be calculated from the date of first entry in the Republic of Kosovo.

3. A foreigner who has already used a three (3) months of residence period within the six (6) months period, may enter again and residence in the Republic of Kosovo after the six (6) months period is due from the date of first entry.

#### **Article 39** **Interruption of short-term residence**

1. Short residence to a foreigner shall be interrupted if:

- 1.1. no longer meets the conditions referred to in Article 31 paragraph 1. of the Law;
- 1.2. validity of the visa expired;
- 1.3. utilized the period referred to in Article 38 of this law;
- 1.4. his residence has been annulled.

**Article 40**  
**Annulment of short-term residence**

1. A short residence of a foreigner shall be annulled if:
  - 1.1. no longer meets the conditions referred to in Article 31 of the Law;
  - 1.2. is residing in the Republic of Kosovo in violation of his purpose of entry;
  - 1.3. is affecting state security, public order or public health;
  - 1.4. has not paid financial obligations to the state.
2. Annulment referred to in paragraph 1. of the present Article shall be carried out by the Border Police.
3. A foreigner has the right to an appeal against the decision on annulment of a short residence, however may initiate an administrative dispute at the Basic Court.

**Article 41**  
**Temporary residence**

1. Temporary residence shall be granted to a foreigner who resides or his/her intention is to residence in the territory of the Republic of Kosovo, for the purpose of:
  - 1.1. family reunification;
  - 1.2. secondary and higher education;
  - 1.3. scientific research;
  - 1.4. humanitarian grounds, including refugees, persons under subsidiary protection and victims of human trafficking or victims of migration, smuggling and foreigners who have willingly expressed cooperation with competent authorities;
  - 1.5. employment and
  - 1.6. employment of a posted worker.
2. Foreigner with temporary residence and foreigner with permanent residence permit pursuant to Article 84 of this Law shall be issued a uniform residence permit.
3. Temporary residence for a posted worker shall be issued to a foreigner which fulfills the conditions laid down in Article 48 and Article 77 paragraph 1. of the law.
4. Irrespective from the paragraph 1. of the present Article, a foreigner may be issued a temporary residence for other purposes as well. Residence for other purposes shall not exceed more than six (6) months within one (1) year.
5. The form, content and procedure for issuance of residence permit pursuant to paragraph 2. of this Article shall be regulated by bylaws adopted by MIA.



**Article 42**  
**Filing an application for a temporary residence**

1. A temporary residence permit application shall be submitted to a diplomatic or consular mission of the Republic of Kosovo.
2. Foreigner for whom to enter the Republic of Kosovo does not need a visa, may apply for temporary residence permit in the DCAM.
3. Notwithstanding paragraph 1. of the present Article, a foreigner who is in possession of a visa and if he/she comes for the purpose of full-time regular studies at undergraduate, university and post-university levels, as well as a foreigner referred to in article 70 paragraph 1. sub-paragraph 1.12. 1.13. and 1.14. of the law, and the members of their close family, may apply for temporary residence permit in the DCAM.
4. A foreigner referred to in paragraph 2. and 3. of the present Article must submit an application for temporary residence permit before the expiration of the short-term residence and can residence in the Republic of Kosovo till his/her application has been decided upon.

**Article 43**  
**Manner of making an application for temporary residence permit by a foreigner**

1. Application for residence permit a foreigner shall submit in person or in case of unaccompanied children or vulnerable persons application can be submitted by a parent or legal custodian.
2. Exceptionally from paragraph 1. of the present Article, application for residence permit for the purpose of employment may submit the employer as well.

**Article 44**  
**Decision on the request for temporary residence permit**

1. In relation with the application of a temporary residence permit, DCAM shall decide upon within thirty (30) days from the date of receipt of the application.
2. Against the decision from paragraph 1 of this Article within eight (8) days may be appealed for which the appeals commission shall decide within thirty (30) days from the receipt of the appeal. The appeal does not suspend the execution of the decision.
3. Against the decision to refuse a temporary residence permit for work due to the completion of the annual quota for employment, or if the annual quotas for the continuation of valid permits, new employment or seasonal employment, still has not been set out, the foreigner has no right to appeal, however may initiate an administrative dispute at a Basic Court.

**Article 45**  
**Arrangement of a temporary residence of the children born in the Republic of Kosovo**

1. The parent or guardian of a child born in the Republic of Kosovo is obliged to apply for a temporary residence permit for the child, not later than three (3) months from the date of birth.
2. Temporary residence under paragraph 1. of this Article may be granted for the time the temporary residence for the parent or guardian of a child is permitted or up to one (1) year, if one of the parents or guardian have a permanent residence permit.

**Article 46**  
**Period of validity of a temporary residence**

1. Temporary residence permit is issued for a period of one (1) year unless otherwise is specified under this law.

2. The period of validity of the travel document must be at least three (3) months longer than the period for which the temporary residence permit is issued.

3. Residence permit for persons enjoying refugee status will be issued with a validity of at least three (3) years and renewable unless compelling reasons of national security or public order otherwise require.

**Article 47**  
**Extension of a temporary residence permit**

1. Application for extension of a temporary residence permit must be submitted no later than thirty (30) days before the expiration of a temporary residence permit at DCAM.

2. A foreigner who has submitted an application for the extension of temporary residence permit before the expiration of the existing temporary residence may residence in the Republic of Kosovo till the application shall be decided upon.

3. Without prejudice to Article 46 paragraph 2. of the Law, a foreigner who does not possess a valid travel document, and who submits an application for extension of a temporary residence permit in the Republic of Kosovo, shall be issued a decision for the approval of a temporary residence permit.

4. A foreigner from paragraph 3. of the present Article, which submits an application for the extension of a temporary residence permit must attach the foreign travel document.

5. A foreigner with a temporary residence permit may, prior to the expiry of the period for which the permit was issued, lodge an application for a subsequent residence permit for a different purpose.

**Article 48**  
**Conditions for issuing a temporary residence permit**

1. A foreigner shall be issued a temporary residence permit, if:

- 1.1. proves the purpose of temporary residence;
- 1.2. is in possession of a valid travel document;
- 1.3. is in possession of sufficient means of subsistence;
- 1.4. is in possession of medical insurance;
- 1.5. has no entry and residence ban in the Republic of Kosovo;
- 1.6. constitutes no threat to state security, public order or public health.

**Article 49**  
**Temporary residence permit for the purpose of family reunification**

1. A temporary residence permit for the purpose of family reunification may be granted to a foreigner who is a close family member:

- 1.1. of a citizen of Kosovo;
- 1.2. of the foreigner who is in possession of a permanent residence permit;
- 1.3. of the foreigner who is in possession of a temporary residence permit;
- 1.4. of a foreigner who has been granted international protection in accordance with the Law on Asylum.

2. Irrespective of paragraph 1. sub-paragraph 1.3. of this Article, a close family member of a foreigner who is residing in the Republic of Kosovo on the basis of a temporary residence permit for employment issued for one (1) year, pursuant to annual quotas for the employment of foreigners, may be granted a temporary residence permit for the purpose of family reunification, if the foreigner seeks family reunification in the Republic of Kosovo, and if he/she has at least two (2) years of temporary residence.

3. Temporary residence for the purpose of family reunification shall not be given to a family member of a foreigner who has been issued a residence permit for seasonal work, asylum seekers and to foreigners under temporary protection.

4. Submission of the application for temporary residence with the purpose of family reunification shall be submitted and considered when the family members are residing outside the territory of the Republic of Kosovo. Exceptionally, in certain circumstances, the application for temporary residence with the purpose of family reunification may be submitted and considered when the family members are residing in the territory of the Republic of Kosovo.

5. When examining the application the best interests of the minor children shall be taken into consideration.

## **Article 50 Family members**

1. Family members in the meaning of this law are:

1.1. the sponsor's spouses or partners;

1.2. the minor children of the sponsor and of his/her spouse, including children adopted in accordance with a decision taken by the authority in the Republic of Kosovo, or a decision which is automatically enforceable due to international obligations of the Republic of Kosovo, or must be recognized in accordance with international obligations;

1.3. the minor children including adopted children of the sponsor where the sponsor has custody and the children are dependent on him or her. Family reunification may be authorized for children of whom custody is shared, provided that the other party sharing custody has given his or her agreement;

1.4. the minor children including adopted children of the spouse where the spouse has custody and the children are dependent on him or her. Family reunification may be authorized for children of whom custody is shared, provided that other party sharing custody has given his or her agreement.

2. Notwithstanding the paragraph 1 of this Article, the competent authority may consider also family member of a citizen of Kosovo, of a foreigner to whom has been granted temporary or permanent residence, and of a foreigner who has the refugee status, , if there are special personal or serious humanitarian reasons for a family reunification in the Republic of Kosovo.

3. In the event of a polygamous marriage, where the sponsor already has a spouse living with him in the territory of the Republic of Kosovo shall not authorize the family reunification of a further spouse.

4. Family reunification shall not be granted if the spouse or unmarried partner is married or is in a long-term relationship with another person.

5. Partnership in the meaning of this law is a partnership of an unmarried man and an unmarried woman living together and which lasts at least three (3) years or less if in this partnership was born a child of both of them.

6. Minor children must be below the age of majority and must not be married.

7. By way of derogation, the child is aged over twelve (12) years and arrives independently from the rest of his/her family, the Republic of Kosovo may, before authorizing entry and residence under this law, verify whether he or she meets a condition for integration provided for by its existing legislation in force.

#### **Article 51 Penalties and redress**

1. DCAM may reject an application for entry and residence for the purpose of family reunification, or, if appropriate, withdraw or refuse to renew a family member's residence permit, in the following circumstances:

1.1. when the conditions defined by this law are not or no longer will be fulfilled. When renewing the residence permit, when the sponsor has not sufficient resources without recourses without having access to the social assistance system of the Republic of Kosovo. Account shall be taken to the contributions of the family members to the family economy;

1.2. when the sponsor and his/her family member do not or no longer live in a real marital or family relationship;

1.3. when it is found that the sponsor or the unmarried partner is married or is in a stable long-term relationship with another person.

2. DCAM may also reject an application for entry and residence for the purpose of family reunification, or withdraw or refuse to renew the family member's residence permits, where it is shown that:

2.1. false or misleading information, false or falsified documents were used, fraud was committed or other unlawful means were used;

2.2. the marriage, extramarital relationship or adoption were contracted for the sole purpose of enabling the person concerned to enter or reside in the territory of the Republic of Kosovo. When making an assessment related to this issue, DCAM may have regard in particular to the fact that the marriage, extramarital relationship or adoption was contracted after the sponsor had been issued his/her residence permit.

3. DCAM may withdraw or refuse to renew the residence permit of a family member when the sponsor's residence permit expires and the family member does not yet enjoy an autonomous right of residence under Article 54 of this law.

4. DCAM may conduct specific checks and inspections when there is reason to suspect that there is fraud or a marriage, extramarital relationship or adoption of convenience. Specific checks may also be undertaken on the occasion of the renewal of family members' residence permit.

#### **Article 52 Entry and residence of family members of a foreigner which enjoys protection in accordance with Law on Asylum**

1. The definition of family members prescribed in paragraph 1 of Article 50 of this law shall be applicable as well to the family members of persons to whom is given protection in accordance with Law on Asylum.

2. A family member who has been granted protection in accordance with the Law on Asylum, to grant a temporary residence permit for the purpose of family reunification shall not be required to fulfill the conditions laid down in Article 48 paragraph 1. sub-paragraph 1.3. and 1.4.. of the law.

3. If a foreigner to whom protection is granted in accordance with Law on Asylum is an unaccompanied child, then the Republic of Kosovo:

3.1. shall authorize entry and residence for the purposes of family reunification of his/her first-degree relatives in the direct ascending line;

3.2. shall authorize the entry and residence for the purposes of family reunification of his/her legal guardian or any other member of the family, where the refugee has no in the direct ascending line or such relatives cannot be traced.

4. Where a refugee cannot provide official documentary evidence of the family relationship, the DCAM shall take into account other evidence, to be assessed in accordance with national legislation, of the existence of such relationship. A decision rejecting an application can not be based solely on the fact that documentary evidence is lacking.

5. There shall be created facilities on getting the necessary visa to the persons who submit application on temporary residence for the purpose of family reunification.

#### **Article 53**

##### **Validity of a temporary residence permit for the purpose of family reunification**

1. A temporary residence permit for the purpose of family reunification shall be given for a period of time valid of one (1) year or until the expiration of the temporary residence permit to a foreigner who requests that family reunification.

2. A foreigner who previously had a continuous temporary residence permit for the purpose of family reunification for at least two (2) years, a temporary residence permit for the same purpose may be granted for a period of up to two (2) years, or until the expiration of the temporary residence permit of the foreigner who is seeking family reunification.

#### **Article 54**

##### **Autonomous residence**

1. To spouse, unmarried partner and the child who has reached the age of majority, may be granted an autonomous residence permit, if it meets the conditions referred to in article 48 paragraph 1. subparagraph 1.2. 1.3. 1.4. 1.5. and 1.6. of this law, in the event to him/her has been granted a temporary residence permit for the purpose of family reunification for a continuous period of three (3) years.

2. Exceptionally, a foreigner from paragraph 1. of this Article may be granted an autonomous residence if it meets the conditions referred to in article 48 paragraph 1. sub-paragraph 1.2. 1.3. 1.4. 1.5. and 1.6. of this law, and in the event he/she is granted of a temporary residence permit for the purpose of family reunification for a continuous period of two (2) years, if the person on the basis of which he/she was granted a temporary residence permit for the purpose of family reunification, has died.

3. Exceptionally, autonomous residence may be issued upon application to persons who have entered by virtue of family reunification, in the event of widowhood, divorce, separation.

#### **Article 55**

##### **Rights of a foreigner with a temporary residence for the purpose of family reunification and autonomous residence**

A foreigner to whom a temporary residence permit has been granted for the purpose of family reunification and a foreigner with autonomous residence referred to in Article 54 of this law, enjoys the rights to education, vocational training, work and self-employment.

#### **Article 56**

##### **Temporary residence for the purpose of secondary education**

1. A temporary residence permit for the purpose of secondary education shall be granted to a foreigner who besides the conditions referred to in Article 48 of the Law shall meet the following conditions as well:

1.1. is enrolled in a secondary school;

1.2. participates in a student exchange program approved by the responsible ministry for education;

1.3. presents the consent of the parents or of the legal guardian for the scheduled residence whose objective is secondary education in the Republic of Kosovo;

1.4. provides evidence that the organization which manages the student exchange program is responsible for him/her during his/her residence in the Republic of Kosovo, particularly in relation to the means of living, learning, and health care and returning costs; and

1.5. the family to which he/she legally resides is eligible in accordance with specific provisions and is selected based on the student exchange program.

2. A temporary residence permit for the purpose of secondary education shall be issued with a validity period of up to one (1) year.

#### **Article 57** **Temporary residence for the purpose of study**

1. A temporary residence permit for the purpose of study shall be granted to a foreigner who meets the requirements of article 48 of the Law and the following conditions:

1.1. studies at a higher education institution in the Republic of Kosovo;

1.2. comes under an exchange of students and youth mobility;

1.3. comes for an internship authorized by an organization or on the basis of international agreements or agreements between the universities.

2. A temporary residence permit for the purpose of study shall be issued with a period of validity of up to one (1) year, or until the end of the academic year.

3. Performing of an internship of a foreigner referred to in paragraph 1. of this law shall not be considered as work in terms of the provisions of the law.

#### **Article 58** **Temporary residence for the purpose of scientific research**

1. A temporary residence for the purpose of scientific research shall be granted to a foreigner who has an agreement with an institution licensed in the Republic of Kosovo for a visit and meets the requirements of article 48 of the Law.

2. A temporary residence permit for the purpose of scientific research shall be issued with a period of validity of up to one (1) year.

3. A foreigner who has an agreement for the purpose of scientific research with any of the European Union Member States or States which are part of the Schengen area may reside for the purpose of scientific research up to ninety (90) days in the Republic of Kosovo without an agreement referred to in paragraph 1. of this Article provided that they fulfill the conditions of article 48 of the law.

#### **Article 59** **Temporary residence on humanitarian grounds**

1. A temporary residence on humanitarian grounds shall be granted to a foreigner as in the following cases:

1.1. if he/she is a victim of human trafficking (hereinafter victim) and has accepted the assistance and protection program;

1.2. if a minor has been abandoned or is a victim of organized crime or for any other reason, without parental care, custody, or unaccompanied;

1.3. has cooperated or accepts to cooperate with the justice authorities or upon the proposal of the authorities of the state security;

1.4. in case he/she cooperates with the authorities and his/her participation is required in a criminal proceeding against an employer who employed him/her illegally;

1.5. is a pregnant woman with over six (6) months, and

1.6. other serious humanitarian reasons.

2. A foreigner referred to in paragraph 1. of this Article shall be exempt from meeting the conditions referred to in article 48 paragraph 1. sub-paragraph 1.3. and 1.4. of the law.

### **Article 60 Victims of human trafficking**

After the identification of victims from the part of relevant authorities pursuant to respective Law on Trafficking with Humans, victims of trafficking shall be granted temporary residence permit.

### **Article 61 Reflection period and issuance residence permit**

1. Republic of Kosovo shall ensure that the foreigners concerned are granted a reflection period allowing them to recover and escape the influence of the perpetrators of the offences so that they can take an informed decision as to whether to cooperate with the competent authorities. The duration of reflection period shall be from thirty (30) to ninety (90) days and starting point of this period shall be calculated from the moment the matter is referred to the respective unit against human trafficking.

2. During the reflection period and while awaiting the decision of the competent authorities, foreigner concerned shall have access to the treatment referred to in paragraph 1. of Article 62 of this Law and where appropriate access to psychological assistance, translation and interpreting services, safety, protection needs, free legal aid according to national law.

3. Republic of Kosovo may at any time terminate the reflection period if the competent authorities have established that the person concerned has actively, voluntarily and on his/her own initiative renewed contact with the perpetrators of the offences or for reasons relating to public policy and to the protection of national security.

4. After the period of reflection has expired on the request of the competent authority shall be issued a residence permit for at least six (6) months and it shall be renewed if the respective conditions continue to be met.

### **Article 62 Rights of victims of human trafficking who have been granted temporary residence permit**

1. A victim who has been granted temporary residence has the right to safe housing, health care, financial assistance, education and employment pursuant to respective law in force.

2. A special attention should be paid to pregnant women and people with disabilities, as groups of victims particularly vulnerable.

3. A foreigner who has been granted temporary residence on humanitarian grounds pursuant to article 59 paragraph 1. sub-paragraph 1.4. and 1.5. shall exercise its rights under paragraph 1. of this Article.

**Article 63**  
**Best interest of minor victims of human trafficking**

1. Authorities involved in the prevention, combating and protection of minor victims shall take into account the best interests of the minor.
2. For a minor victim under paragraph 1. of this Article, due account shall be taken to the best interests of the child, access to the educational system and the necessary measures shall be taken to establish its identity, citizenship, and to find his/her family members.

**Article 64**  
**Returning of victims of human trafficking**

1. Safe return of a foreigner who enjoys the status of a victim shall be carried by MIA taking care of his rights, safety and dignity. The return, if possible, should be voluntary and the principle of non-refoulement shall always be taken into account.
2. The minors who are victims of human trafficking shall not be returned to any other state, if after assessing the level of risk and safety there are assumptions that such a return would not be in the best interest of the minor.

**Article 65**  
**Termination of temporary residence permit to victims of human trafficking**

1. Temporary residence of a victim on humanitarian grounds, shall cease if:
  - 1.1. has lost the status of the victim;
  - 1.2. is confirmed that he/she abuses with the status of the victim or he/she got it by cheating, he/she ceases cooperation with competent authorities and when competent authorities terminate the procedure;
  - 1.3. if it is required for the reasons of protection of public order, state security and public health.
2. In the event of taking the final decision for a temporary residence permit for the minor victim, an opinion of competent authorities for preventing and combating of human trafficking shall be requested.
3. A temporary residence on humanitarian grounds in accordance to Article 59 paragraph 1. subparagraph 1.2. 1.3. 1.4. 1.5. 1.6. and 1.7. of this law shall expire if the purpose for which to the foreigner is granted temporary residence ceases or it is required for the protection of public order, state security and public health.
4. Against the decision referred to in paragraph 1. and 3. of this Article may be lodged an appeal for which the Commission shall decide.

**Article 66**  
**Revocation of a temporary residence**

1. A temporary residence shall be revoked to a foreigner if:
  - 1.1. the conditions for granting temporary residence according to article 48 of this law cease to exist;
  - 1.2. if within thirty (30) days after the approval of temporary residence does not notify his/her place of residence;
  - 1.3. residences outside the territory of the Republic of Kosovo for more than thirty (30) days consecutively;



1.4. if his/her residence in the Republic of Kosovo is in contradiction to the purpose of a temporary residence.

2. The decision referred to in paragraph 1. sub-paragraph 1.2. and 1.3. of this Article may be taken without a preliminary hearing of the foreigner, as long as he/she has been informed in advance that against him/her is being conducted the procedure for termination of his/her temporary residence.

3. The decision referred to in paragraph 1. of this Article may be appealed to the Appeals Commission.

4. Notwithstanding paragraph 1. sub-paragraph 1.3. of this Article, a foreigner who for ninety (90) days due to reasonable causes resides outside the Republic of Kosovo, his/her temporary residence shall not be revoked, if notifies DCAM or the Border Police, no later than ten (10) days from the date of return to the Republic of Kosovo.

### **Article 67** **Employment of a foreigner in the Republic of Kosovo**

1. A foreigner in the Republic of Kosovo may work on the basis of a permit issued for residence and employment or a certificate for employment notification, unless otherwise specified under this law.

2. Employment residence may be issued on basis of an annual quota or separate to it.

3. A foreigner shall be exempted from a work permit or a certificate for employment notification with:

3.1. a permanent residence;

3.2. a refugee status or temporary or subsidiary protection;

3.3. a temporary residence for the purpose of family reunification with a citizen of the Republic of Kosovo, with a foreigner with permanent residence, with a foreigner with the refugee status and a foreigner to whom subsidiary or temporary protection have been approved;

3.4. a temporary residence on humanitarian grounds;

3.5. autonomous residence;

3.6. a status of the pupil or regular student in the event they perform work through an authorized intermediary, without establishment of an employment relationship;

3.7. a temporary residence for the purpose of scientific research referred to in article 58 of this law.

4. Work in terms of this law, shall not be considered performance of preliminary actions for the establishment and registration of company or commercial turnover.

5. A foreigner may work in the Republic of Kosovo only in those jobs for which residence permit for work or certificate for employment notification has been issued, and solely with the employer with which the employment relationship was established.

6. The employer may only employ a foreigner for the jobs, for which a work permit, respectively certificate for employment notification, has been issued.

7. The employer can not hire a foreigner who is illegally residing in the Republic of Kosovo.

8. If a foreigner has presented an invalid permit under paragraph 7. of this article, the employer shall not be deemed guilty of hiring the foreigner who is illegally residing in the Republic of Kosovo, unless the employer knew that the document presented as a residence and work permit was not genuine and valid.

9. An employer who hires a foreigner referred to in paragraph 3. of this article, is required within eight (8) days from the date of establishment of the employment relationship or the beginning of the work, to inform MLSW for this, which should inform the MIA for this.

10. The provisions of this article concerning the employer shall adequately apply also to the subcontractor.

#### **Article 68** **Annual employment quota for foreigners**

1. The Government of the Republic of Kosovo shall adopt a decision which shall set out an annual quota of employment of foreigners at the latest by 31 October for the coming year, for extension of permits issued and new employment. Annual employment quota for foreigners shall be made public.

2. Proposal of annual quota for the employment of foreigners shall be drafted by MLSW based on the recommendation of the Economic-Social Council.

3. Annual quota for employment of foreigners shall be determined in accordance with the policy on migration and the labour market situation and in accordance with the needs and opportunities of employment of foreigners in the Republic of Kosovo.

4. Through the annual quota for employment of foreigners shall be defined the activities and occupations for which the new employment is allowed and the number of permits for each activity and occupation.

5. Through annual quota for employment of foreigners might be set out also the quota for seasonal employment.

#### **Article 69** **Work permit on the basis of annual quota for employment of foreigners**

1. Work permit on the basis of annual quota referred to in article 68 of the law, shall be allowed to a foreigner which meets the requirements referred to in article 48 of the law and must be accompanied by:

1.1. employment contract, respectively a written confirmation for concluding a contract of employment or adequate evidence of employment;

1.2. evidence on foreigner's education, qualifications acquired and training;

1.3. evidence on registration of the trade company, association, representation and turnover in the Republic of Kosovo.

#### **Article 70** **Work permit outside the annual quota**

1. Work permit outside the annual quota may be issued to:

1.1. daily immigrants on the condition of reciprocity;

1.2. key personnel, service providers, employees and their family members, whose status is regulated by the Stabilization and Association Agreement and the interaction between the European Union and its states and the Republic of Kosovo;

1.3. a foreigner working in private companies which are subcontractors to diplomatic missions that operate in the Republic of Kosovo;

1.4. a foreigner who perform major duties for trade companies, associations and representations;

1.5. a foreigner who is transferred within the internal transfer of staff within trade companies and other personnel required determined in advance under the contract;

1.6. a foreigner who is self-employed in its own trade company or trading company, having a greater share than fifty-one percent (51%) or turnover of its own;

1.7. teachers who teach in educational institutions in one of the languages of ethnic minorities;

1.8. professional athletes or sports activists who work in the Republic of Kosovo;

1.9. artists working in cultural institutions in the Republic of Kosovo;

1.10. foreigners who have established employment relationships in corporations, which are registered as a foreign corporation in the Republic of Kosovo and at least in three (3) countries;

1.11. foreigners working under Youth Mobilization Program, which the Republic of Kosovo carries out in cooperation with other states;

1.12. scientific researchers, foreigners employed at scientific positions, scientific-educational or other research jobs to scientific legal entities;

1.13. foreign language professors, lecturers and other teachers who teach in higher educational institutions in the Republic of Kosovo or in registered foreign languages schools;

1.14. foreigners working on the basis of international contracts, except the contract referred to in paragraph 1. sub-paragraph 1.2. of this article.

2. A person who carries out the key functions in the company, association or representation of a foreign trading company within the meaning of paragraph 1. sub-paragraph 1.4. of this article, shall be deemed:

2.1. a person who in a trading company, association or representation has a senior position, the person who manages the business, a person who is under the general supervision or management of the department or the shareholder, respectively member of the trading company and the person who carries an equal responsibility, including:

2.1.1. heading of a section or sub-section of the trading company;

2.1.2. monitoring and supervising the work of other employees, respectively performing supervisory or management work;

2.1.3. authorization for employment and lay-off of workers, respectively making of recommendations that are related to employment, lay-off or other personnel affairs.

2.2. a person who works in a trading company, association or representation, who is in possession of special professional skills or skills needed to provide services, the use of means for research, admission of techniques or business management of the trading company, association or representation.

## **Article 71**

### **Requirements for acquiring work permit outside the annual quota**

1. Work permit referred to in article 70 of the law may be granted to a foreigner, if he/she meets the requirements laid down in Article 48 of the law, and must be accompanied by:

1.1. employment contract, respectively a written confirmation for binding a contract of employment or adequate evidence of employment;

1.2. evidence on foreigner's education, qualifications acquired and training;

1.3. evidence on registration of the trade company, association, representation and turnover in the Republic of Kosovo;

1.4. justification for the employment of a foreigner containing data on the skills and professional qualifications and work experience of the foreigner and the reasons why the workplace can not be filled by the workforce from the labour market in the Republic of Kosovo.

2. With the application for issuing of work permit under article 70 paragraph 1. sub-paragraph 1.1. 1.2. 1.4. 1.5. and 1.6. of the law is not required to be attached the justification of the reasonableness of the employment of a foreign national.

## **Article 72**

### **Requirements for acquiring work permit outside the annual quota for foreigners who perform major duties for trade companies, associations and representations**

1. A foreigner referred to in Article 70 paragraph 1. sub-paragraph 1.4. of the law, the work permit may be granted, if he/she meets the requirements laid down in Article 71 of the law and if:

1.1. presents evidence on the registration of trade company;

1.2. in a foreign trade company, association or representation are hired at least three (3) citizens of the Republic of Kosovo in different jobs, ranging from a job of a representative, member of the department or the supervisory authority;

1.3. gross payment of the turnover is of at least the value of a average wage paid in the Republic of Kosovo in the past year.

2. In the event more foreigners referred to in paragraph 1. of this Article perform key functions for the same employer, work permit may be issued, if:

2.1. for each foreign national there are at least five (5) citizens of the Republic of Kosovo employed in various jobs, ranging from a job of a representative, member of the department or supervisory authority;

2.2. presents evidence on the registration of trade company;

2.3. gross payment of the turnover is of at least the value of a average wage paid in the Republic of Kosovo in the past year.

3. A foreigner referred to in article 70 paragraph 1. sub-paragraph 1.6. of the law, the work permit may be granted, if he/she meets the requirements laid down in article 71 of the law and if:

3.1. presents evidence on the registration of trade company;

3.2. there are employed at least three (3) citizens of the Republic of Kosovo;

3.3. its gross payment is of at least the value of a gross wage paid in the Republic of Kosovo in the past year;

3.4. accompanies evidence on tax obligations and contributions paid in the Republic of Kosovo.

### **Article 73**

#### **Requirements for acquiring work permit outside the annual quota for foreigners whose status is regulated by the Stabilization and Association Agreement and the interaction between the European Union and its states and the Republic of Kosovo**

1. A work permit outside of the annual quota may be issued to a foreigner, who meets the requirements specified in article 48 of the law, and:

1.1. performs key functions in accordance with article 70 sub-paragraph 1.2. of the law, in the company which is the leader of incentive measures in accordance with the provision on attracting investment, or which owns the assets of at least fifty-one percent (51%) or;

1.2. which in the Republic of Kosovo performs functions (tasks) or manages projects on the basis of international agreements on professional and technical assistance, the Republic of Kosovo has made with the European Union, with another state or an international organization.

### **Article 74**

#### **Decision for granting work permit**

1. The decision about the application for issuance of a work permit shall be issued by the DCAM, after confirmation of permit to work from MLSW. Such a decision may be appealed within eight (8) days from the receipt of the decision, to the Appeals Commission shall decide.

2. Work permit shall be issued to foreign nationals for the period of time required to carry out the tasks, respectively for the time for which an employment contract or other relevant contracts are made, and the longest up to one (1) year.

3. Notwithstanding paragraph 2. of this article, a foreigner's work permit referred to in article 70 paragraph 1. sub-paragraph 1.5. of the law, shall be issued for a period of validity of two (2) years, unless otherwise required a shorter period of time for granting a work permit.

4. A foreigner who has been granted a work permit for the reasons of seasonal work, may residence in the Republic of Kosovo at most six (6) months in the period of one (1) year and must residence outside the Republic of Kosovo for at least six (6) months before it may become possible again for him/her an entry into and residence for the purpose of work.

5. Employer and Tax Administration on the basis of the head office of the legal entity or place of residence of a natural person, who uses the services of a foreign or the place where contracted work will be carried out, shall be informed by DCAM, for granting a work permit.

### **Article 75**

#### **Refusal of issuance of a work permit**

A foreigner may be refused issuance of a work permit, in the event the employer violates labour provisions and work protection provisions, medical and pension insurance or in case the foreigner or the employer have not paid a penalty imposed in cash.

### **Article 76**

#### **Certificate for employment notification**

1. On the basis of a certificate for employment notification, up to ninety (90) days within a year, the following foreigners may work:

1.1. a trading representative, key personnel and members of the supervisory board of a trading company, which carry out work for a trading company, but are not in an employment relationship;

1.2. tourism service providers, tourism representatives, respectively animators, in accordance with the special provisions;

1.3. scientists in a scientific and professional training, scientists - representatives of international organizations, then scientists which will take part in the realization of scientific projects, important for the Republic of Kosovo;

1.4. managerial staff, experts, teachers and lecturers of foreign cultural, educational and scientific institutions, which in the Republic of Kosovo shall carry out works in the framework of cultural and educational cooperation programs, and managerial staff, experts, teachers and lecturers of foreign cultural, educational and scientific institutions, which in the Republic of Kosovo have their own associations, in case they do come from the parent institution;

1.5. civil and military personnel of the government of other states, who in the Republic of Kosovo come to work based on a cooperational contract with the Government of the Republic of Kosovo;

1.6. foreign correspondents accredited in the Republic of Kosovo or foreign media reporters;

1.7. representatives and personnel of religious communities who perform works exclusively related to charitable religious service;

1.8. students, who come to unions or Kosovo institutions for voluntary work in work camps or educational and work programs, respectively, who are coming for an internship in the diplomatic and consular missions accredited to the Republic of Kosovo;

1.9. volunteers who are working in unions and non-profit institutions in the Republic of Kosovo in accordance with the special provisions, respectively, based on voluntary cooperation and exchange programs;

1.10. foreign nationals who come in the Republic of Kosovo to do an internship in practice in a trading company, association or representation, who are owners of foreign trading firm, if such foreigners come from that firm to headquarters or from a representation or its association in another state;

1.11. foreigners who perform supervisory and inspection works, repairs and shipbuilding, respectively foreigners who perform supervisory or inspection tasks of production, prefabricated equipment, machinery and other instruments, based on a contract for export or an order from a foreigner;

1.12. foreigners who carries out an internship, training or voluntary work within a Cooperation Programme, Lifelong Learning Programme and Youth in Action program, and other programs and initiatives, which are being implemented by a competent authority for education and science;

1.13. experts in the field of protection of cultural heritage, literature and archive;

1.14. foreigners who perform professional learning, training and education of employees working for natural persons and legal entities in the Republic of Kosovo;

1.15. foreigners who perform works related to orders, assembling or servicing of machines or equipment, whereas their work is a prerequisite for the realization of their rights on warranty or is connected with making machinery and equipment orders;

1.16. foreigners, who are professionally trained at a legal entity headquartered in the Republic of Kosovo, which is connected with the foreign employer;

1.17. pupils, who through an authorized organization or through a student exchange program come for internship.

2. Foreign nationals referred to in paragraph 1. sub-paragraph 1.3. 1.4. 1.5. 1.6. 1.7. 1.8. 1.9. 1.10. 1.11. 1.12. 1.13. 1.14. and 1.15. of the article, which intend residence to work in the Republic of

Kosovo for more than ninety (90) days, may be issued a work permit outside of the annual quota, if they meet the requirements from article 48 of the law.

3. On the basis of a certificate for employment notification, up to sixty (60) days within one (1) year may work the following foreigners:

3.1. audit and consultancy service providers;

3.2. lecturers that participate in organized professional gatherings and seminars;

3.3. artists and technical personnel, for the performances of opera, ballet, theater, concerts and other cultural performances, respectively authors and performers in the field of the art of film and television;

3.4. workers at circus parks and entertainment ones.

4. On the basis of a certificate for employment notification, up to thirty (30) days within one (1) year, the following foreign nationals may work:

4.1. authors and performers in the field of music, scene music and art of dance and back up performers, technical personnel;

4.2. on a fair and exhibition shows, where their employer shall perform.

5. The notification referred to in paragraph 1. 3. and 4. of this Article shall be filed at MLSW, which issues a certificate for employment notification and shall immediately inform the Tax Administration and DCAM and Border Police.

6. On the basis of the certificate for employment notification, a foreigner may work for the same employer or recipient of the services, in the entire territory of the Republic of Kosovo.

7. A legal or natural person who employs or uses the services of a foreigner referred to in this article, must have an appropriate contract or other evidence for execution of works by the foreigner or the foreign employer, who sends a foreigner to work in the Republic of Kosovo.

8. If a foreign national, which in the Republic of Kosovo shall appear in the sports events and competitions, as representatives of the teams, foreign clubs or state representations, paragraphs 5. and 7. of this Article shall not be applied.

## **Article 77 Posted worker**

1. A posted worker is a worker, which is sent to the Republic of Kosovo by a foreign employer in the framework of temporary or occasional work through the provision of cross-border services for a limited period of time, under any of the following circumstances:

1.1. shall be sent to work to the Republic of Kosovo on their account and under their direction, under a contract concluded between the foreign employer and the employee there is employment relationship, or;

1.2. shall be sent to the Republic of Kosovo to his association or company owned by the same group, the foreign employer belongs to as well, provided that at the time of posting between the foreign employer and worker there is an employment relationship;

1.3. to be presented as a temporary employment agency, a user which is established or operating in the Republic of Kosovo, provided that upon introduction (presentation) there is an employment relationship between the temporary employment agency and the worker.

2. A posted worker referred to in this article which resides more than three (3) months in the Republic of Kosovo should be provided with a work permit in accordance with article 41 subparagraph 1.6. of the law.

3. Working and employment conditions referred to in this law shall not apply for a skilled worker sent by the foreign employer to work in the Republic of Kosovo for the period shorter than eight (8) days, if the foreign employer, which makes the posting for making the first installation, necessary for taking the goods ordered into use, and which is contracted, as an important part of the contract for the supply of goods.

4. For workers, which a foreign employer shall send in the Republic of Kosovo in the construction works related to the construction, repair, maintenance or demolition of buildings, especially mining works, earth works, rough construction works, assembly and dismantling of the installations, renovations, demolitions, regular maintenance, cleaning or improvement, shall not apply paragraph 3. of this article.

#### **Article 78** **Reference period**

1. Period of time in which a worker has been posted, in accordance with article 77 of the law, at work in the Republic of Kosovo is calculated on the basis of a reference period of one (1) year from the beginning of the posting.

2. For the purpose of calculating the period of time of posting, are taken into account all previous periods, in which the same work for a foreign employer has realized each posted worker.

#### **Article 79** **Legal protection and cooperation**

1. To protect and realize the rights and conditions specified in article 77 of this law, a posted worker can against a natural or legal person, a foreign employer, respectively the recipient of services in the Republic of Kosovo, to initiate a judicial proceedings at the Basic Court, in accordance with the relevant legislation in the Republic of Kosovo.

2. For the purpose of information for the implementation and extension of the rights set out in Article 77 of this law and adequate international cooperation, MLSW, shall ensure administrative cooperation and mutual assistance, in order the working conditions must be reachable for all concerned.

#### **Article 80** **Statement of posting**

1. A foreign employer referred to in Article 77 of this law, is obliged that before initiating a posting to present a statement of posting, which should contain:

1.1. name and headquarters, respectively name and last name, address of the foreign employer and contact information;

1.2. name and last name of the posted worker and data on the state where he/she normally works;

1.3. initiation and period of time scheduled for posting;

1.4. name and headquarters, respectively name and last name, address of the user of services, place of service provision and short description of the services;

1.5. data on the date of issuance, period of validity, number and competent authority who has issued a valid residence permit and the permit of a posted worker referred to in article 76 paragraph 4. of this law, in accordance with the relevant legislation in the Republic of Kosovo, where a foreign employer carries out the activity.



2. a foreign employer referred to in article 77 of this law is obliged in case of extension of the period of time of a posting to present any modification referred to in paragraph 1. of this article.

3. A statement referred to in paragraph 1. of this article shall be presented in writing or electronically to the authority which under special provisions has been appointed as an authority authorized for coordinating the system of social security in the Republic of Kosovo.

### **Article 81** **Revocation of validity of a work permit**

1. A work permit shall be revoked if:

- 1.1. the conditions referred to in Article 66 paragraph 1. of the law have been fulfilled;
- 1.2. the conditions under which it is issued do cease;
- 1.3. a foreigner carries out duties for which there has not been issued a work permit;
- 1.4. a foreigner works for an employer for which there has not been issued a work permit;
- 1.5. employer or the foreigner does not comply with the labour provisions and provisions for protection at workplace, health and pension insurance, based on which the activity must be carried out;
- 1.6. Employer has refused to hire a jobseeker offered from the working agency, who met the conditions prescribed by the responsible state authorities, pursuant to provisions of the law;
- 1.7. has been issued on the basis of unproven data for employee or employer;
- 1.8. salaries acquired from employees were at the level prescribed by sub-legal acts issued by the Government;
- 1.9. employer has not paid obligations arising from taxes and contributions of mandatory social scheme;
- 1.10. has reasonable concerns, which constitute risk for public order, state security and public health of the Republic of Kosovo, except in cases when the health state of the foreigner has no impact in his work for which he/she has been recruited;
- 1.11. foreigner leaves the Republic of Kosovo for a period of time longer than six (6) months.

2. Revocation of a work permit shall carry out DCAM.

3. Against the DCAM decision referred to in paragraph 2. of this article, may be appealed pursuant to article 44 paragraph 2. of this law.

### **Article 82** **Residence in the event of contract termination**

1. A foreigner, who without his/her fault has his/her employment contract terminated or other pertinent contract, is entitled to residence in Kosovo until the expiration of the work permit.

2. In the event of termination of the employment contract or other relevant contract, termination of the existence of other conditions, based on which the work permit has been granted, the employer and the foreigner shall be obliged to notify DCAM, within fifteen (15) days from the date such circumstances have occurred.

**Article 83**  
**The right for equal treatment**

1. A foreigner working in the Republic of Kosovo shall enjoy equal treatment as citizens of the Republic of Kosovo as regards to:

1.1. working conditions, including the salary and dismissal from work as well as safety and health in the workplace;

1.2. freedom of association and affiliation and membership of an organization representing workers or employers or of any organization whose members are engaged in a specific occupation, including the benefits conferred by such organizations, without prejudice to legal provisions of the Republic of Kosovo on public policy and public security;

1.3. education and vocational training;

1.4. recognition of diplomas, certificates and other professional qualifications in accordance with the relevant procedures;

1.5. provisions of respective legislation regarding social security;

1.6. access to goods and services and the supply of goods and services made available to the public, including procedures for obtaining housing as well as information and counselling services afforded by employment offices.

2. Foreigner be either natural or legal person shall have the duties and responsibilities equal to the citizen of the Republic of Kosovo.

**Article 84**  
**Permanent residence**

1. A permanent residence permit may be granted to a foreigner who at the time of submission of the application has a temporary residence permit continuously for a period of five (5) years in the Republic of Kosovo.

2. Periods of absence from the territory of the Republic of Kosovo do not terminate the calculation of the time limit referred to in paragraph 1. of this Article, if such an interruption is shorter than six (6) months and in total does not exceed the period of ten (10) months.

3. At the time of making the decision for permanent residence permit the temporary residence must be valid.

**Article 85**  
**Calculation of required period of time for permanent residence**

1. As required period of time for granting of a permanent residence permit referred to in article 84 paragraph 1. of the Law, shall not be calculated:

1.1. residence permit granted on employment basis for seasonal workers, daily immigrants and service providers on behalf of a foreign employer, and

1.2. the time spent in prison serving his/her sentence.

2. A foreigner who has been granted a temporary residence permit for the purpose of study, the period of residence required under article 84 paragraph 1. of the Law, shall be taken into account only half of the time spent on the basis of residence permit for study purposes.

**Article 86**  
**Exceptional circumstances for granting permanent residence permit**

1. Without prejudice to Article 84 of the Law, permanent residence may be granted to:

1.1. a foreigner which on the day of submitting his/her application has at least 5 years of refugee status recognized under the Law on Asylum;

1.2. a foreigner who has resided in the territory of the Republic of Kosovo, at least five (5) years without interruption and which is considered to have close economic and family ties with the Republic of Kosovo. Residence referred to in this paragraph may be evidenced by documents that prove his/her residence without interruption in the territory of the Republic of Kosovo and which meets the requirements of article 48 of the law;

1.3. a child, at the time of his/her birth, to both parents, has been granted permanent residence, or a child living with a single parent who has a permanent residence permit;

1.4. persons who are released from the citizenship of the Republic of Kosovo.

**Article 87**  
**Additional requirements for permanent residence permit**

1. A permanent residence shall be granted to a foreigner who meets the requirements specified in article 84 of this law and must:

1.1. have in possession a foreign valid travel document;

1.2. have in possession sufficient subsistence means;

1.3. have in possession a medical insurance;

1.4. have basic knowledge of one of the official languages of the Republic of Kosovo in writing and reading, knowledge on the culture and social establishment;

1.5. not constitute a threat to public order, state security and public health.

2. A foreigner referred to in article 86 paragraph 1. sub-paragraph 1.1. and 1.3. of this Law shall not be required to meet the requirements laid down under paragraph 1. sub-paragraph 1.1. 1.2. and 1.3. of this Article.

3. A foreigner in accordance to article 86 paragraph 1. sub-paragraph 1.2. and 1.4. of this Law shall not be required to meet the conditions referred to in sub-paragraph 1.4 of this Article.

**Article 88**  
**Lodging of an application for a permanent residence permit**

1. Application for a permanent residence permit shall be lodged to DCAM.

2. For an application for a permanent residence permit shall decide DCAM within sixty (60) days from the day of submitting the application.

3. Against the decision from paragraph 2. of this Article shall not be permitted an appeal, however an administrative dispute to a Basic Court may be initiated.

**Article 89**  
**Examination of language, culture and social establishment in the Republic of Kosovo**

1. Examination of knowledge of one of official languages and of writing in one of official languages may be carried out by a higher educational institution, secondary school and institutions for learning adults licenced or accredited in the Republic of Kosovo.

2. Knowledge on the culture and social establishment of the Republic of Kosovo can be certified by filling out a questionnaire in the process of adopting permanent residence.

3. Provisions referred to in paragraph 1 of this Article shall not be valid for:

3.1. preschool children;

3.2. participants or persons who completed their primary or secondary education in the Republic of Kosovo;

3.3. persons older than sixty-five (65) years of age, if not employed.

4. A foreigner who by filling out the questionnaire independently referred to in paragraph 2. of this Article, demonstrated knowledge on the culture and social establishment in the Republic of Kosovo shall not conduct examination in one of the official languages in the Republic of Kosovo.

5. A foreigner who hasn't shown knowledge of an official language and of writing, shall be forced to take courses of one of the official languages in the Republic of Kosovo for at least one hundred and fifty (150) hours.

6. Expenses for examination referred to in paragraph 1. of this article and attending a course of one of the official languages referred to in paragraph 5. of this article shall be borne by the foreigner himself.

#### **Article 90**

##### **The rights of a foreigner holding a permanent residence permit**

1. A foreigner holding a permanent residence has the right on:

1.1. employment and self-employment;

1.2. vocational training;

1.3. education and student scholarship;

1.4. social welfare, right to pension and medical insurance;

1.5. access to goods and services and the supply of goods and services;

1.6. freedom of association and affiliation and membership of an organization representing workers or employers or of any organization whose members are engaged in a specific occupation, including the benefits conferred by such organization.

2. A foreigner may exercise its rights laid down in paragraph 1. of this Article pursuant to legislation in force in the Republic of Kosovo.

#### **Article 91**

##### **Revocation of a permanent residence permit**

1. A permanent residence permit shall be revoked to a foreigner if:

1.1. has an entry and residence ban in the Republic of Kosovo;

1.2. resides outside of Republic of Kosovo uninterruptedly for over one (1) year;

1.3. determined that consciously has given false information or consciously concealed his intentions and circumstances which were significant for his/her permanent residence;

1.4. constitutes a threat to public order, state security or public health;

1.5. such is requested upon his/her request.

2. A decision for revocation of residence permit shall issue DCAM.
3. A decision for termination of a permanent residence permit can be issued without a hearing of the foreigner.
4. Against a decision for termination of permanent residence permit can not be appealed, however an administrative dispute may be initiated at Basic court.

## **CHAPTER V ILLEGAL RESIDENCE, RETURN AND REMOVAL OF FOREIGNERS**

### **Article 92 Non-refoulement, best interest of the child, family life and state of health**

1. The Republic of Kosovo shall not expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.
2. The benefits from the paragraph 1 of this article may not, however, be claimed by a refugee for whom there are reasonable grounds for regarding as a danger to the security of the Republic of Kosovo, or who, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of the Republic of Kosovo.
3. When deciding on return or removal of foreigner from the territory of the Republic of Kosovo, there will be considered:
  - 3.1. the best interest of the child;
  - 3.2. family life;
  - 3.3. the state of health of the foreigner concerned;
  - 3.4. the principle of non-refoulement.

### **Article 93 Illegal residence**

1. Foreigners shall be considered to have resided illegally in the territory of the Republic of Kosovo when:
  - 1.1. they are not in possession of a valid visa required for entry and residence in the Republic of Kosovo;
  - 1.2. have entered illegally in the territory of the Republic of Kosovo;
  - 1.3. have no valid residence permit or residence permit has been annulled or revoked;
  - 1.4. application for asylum, supplementary or temporary protection has been refused and no longer fulfills the conditions for entry and residence laid down under this law;
  - 1.5. they are found working in violation with the conditions laid down under this law and other laws in effect.
2. A foreigner who is residing illegally in the territory of the Republic of Kosovo must immediately leave the territory of the Republic of Kosovo, except the foreigner who has applied for international protection and is awaiting a decision on his status.

**Article 94**  
**Return decision and deadline for execution**

1. DCAM shall issue a return decision to a foreigner residing illegally in the territory of the Republic of Kosovo or when a foreigner served a sentence issued from a competent court for a criminal offense which under the Penal Code of the Republic of Kosovo is sanctioned in a minimum of one (1) year imprisonment.

2. Return decision referred to in paragraph 1. of this Article shall be issued in the form of a decision and shall contain personal data of the foreigner subject to return, reasons for the return decision, period of time within which the foreigner has to leave the territory of the Republic of Kosovo, border crossing point through which shall pass and the period of entry ban in the Republic of Kosovo, if foreigner's return decision shall be accompanied by such a prohibitive measure.

3. Period of an entry ban under paragraph 2. of this Article may not be shorter than one (1) month and longer than five (5) years.

4. Period for voluntary implementation of a return decision shall be no less than seven (7) days and no longer than thirty (30) days from the date of notification.

5. A return decision for different categories of foreigners illegally residing shall apply as follows:

5.1. a foreigner who entered illegally in the territory of the Republic of Kosovo, or who no longer fulfills the conditions of entry and residence in the Republic of Kosovo in accordance with the conditions laid down under this law, or is caught working illegally, no longer than ten (10) days from the date of notification;

5.2. a foreigner, whose visa has been annulled or revoked, or renewal of the residence permit has been refused, or residence permit has been annulled or revoked, no more than thirty (30) days from the date of notification.

6. Voluntary execution of return decision may be extended for an appropriate period, no more than sixty (60) days, taking into account the specific circumstances of the individual case, for the following categories:

6.1. children attending school and conclusion of the school year is less than three (3) months till the end of the child/children school year;

6.2. a foreigner who has a financial obligation and must liquidate an investment three (3) months from the date of notification;

6.3. a foreigner with health problems, until they are capable medically to travel or conclusion of isolation based on a decision from the public health authorities.

7. A foreigner illegally residing to whom extension of period has been approved for voluntary departure, every ten (10) days must show up at the Border Police.

8. A foreigner to whom extension of period has been approved of voluntary removal order has the right:

8.1. to reside together with his family members who are present in the territory of the Republic of Kosovo;

8.2. to use medical emergency services, treatments for specific diseases and public health services;

8.3. minors have guaranteed access to educational system on the basis of the period of time they reside;

8.4. to special services for people with disabilities.

9. When implementing return decision of a foreigner from the territory of the Republic of Kosovo shall be taken into account the best interests of the child, vulnerable persons, family life and state of health of foreigner subject of removal from the territory.

10. To a foreigner the return decision order shall be communicated in written form in one of the official languages and in English. Removal order shall contain legal advice for appeal and the appealing procedure. The form of the removal order shall be defined by a sub legal act to be issued by MIA

#### **Article 95** **Appeal against the return decision**

1. A foreigner who is subject to a return decision, has the right to appeal, within eight (8) days of receipt of the return decision to the Appeals Commission. Commission should resolve the issue within fifteen (15) days of the receipt of the appeal.

2. In cases where the foreigner is dissatisfied with the decision of the Appeals Commission then he/she may lodge an administrative dispute at Basic Court, within eight (8) days from the receipt of the decision. The Court should resolve the issue referred to in this paragraph within sixty (60) days from the date of the receipt of the appeal.

3. Appeal against the return order shall not have suspensive effect on its execution.

#### **Article 96** **Voluntary implementation of a return decision**

1. Voluntary implementation of a return decision shall be provided in case the foreigner leaves voluntarily from the territory of the Republic of Kosovo. Statement for voluntary return of the foreigner shall be considered when deciding for extension of the period of prohibitive measure for entry to, exceptionally for the cases of public order and security such a statement may not be taken into consideration.

2. During the implementation of return decision priority to voluntary return shall be given as follows:

2.1. a foreigner found to be illegally residing in the territory of Kosovo however who did not bring any harmful consequences for public order and security and who declares that will voluntarily leave the territory of the Republic of Kosovo;

2.2. unaccompanied child;

2.3. sick, handicapped or persons with disabilities;

2.4. parents with minor children;

2.5. victims of trafficking in human beings, who want to return to their country of origin;

2.6. asylum seekers who have been refused asylum or who have withdrawn their application for asylum and do not have sufficient income to return;

2.7. foreigners supplied with regular travel documents, but who do not have the financial means necessary to residence;

2.8. foreigners who have been found working illegally in the territory of the Republic of Kosovo.

#### **Article 97** **Forced removal from the Republic of Kosovo**

1. Forced removal of a foreigner from the territory of the Republic of Kosovo shall be decided and

carried out by Border Police in cases when a foreigner:

1.1. has entered illegally in the territory of the Republic of Kosovo and there is a reasonable doubt that will use its territory to cross illegally towards other countries;

1.2. did not leave the Republic of Kosovo within the time-limits, specified in the return decision , without any objective justification, or after leaving the territory and within the period of the entry ban, re-enters the territory of the Republic of Kosovo;

1.3. did not leave the territory of the Republic of Kosovo up to sixty (60) days after the expiry of the visa, residence permit or time-limit laid down in this law, for the foreigners entering without a visa;

1.4. has been readmitted by another country within the framework of readmission agreements in force in the Republic of Kosovo;

1.5. is convicted of a criminal offense for which the legislation of the Republic of Kosovo provides a minimum sentence of one (1) year imprisonment.

2. In the event the foreigner is subject to removal by force according to this article, he/she shall be kept in a detention center, till the execution of the removal order by force. In case of finding other alternative possibilities, for the implementation of temporary measures as defined by the law, the latter ones have priority over detention.

3. A foreigner who does not possess a travel document must appear in person or accompanied by the competent authorities, at the diplomatic and consular missions accredited in the Republic of Kosovo, in order to obtain such a document.

4. If in the Republic of Kosovo there is no diplomatic and consular missions of the country of the foreign national, the responsible authority within the Ministry of Internal Affairs, shall make a request for obtaining a travel document in the country of origin or in the country's diplomatic and consular representations of the foreign national at another place, through the Consular Department of the Ministry of Foreign Affairs.

5. In case that the diplomatic representation cannot issue a travel document, MIA shall provide the foreigner with a standard travel document as defined under the readmission agreement, whose intentions are to implement the forced removal of the foreigner.

6. In the course of enforcement of this law, MIA may issue a travel sheet to a foreigner, if the foreigner is not supplied with a travel document, in accordance with Article 7 of this law.

7. MIA on the basis of agreements in force in the Republic of Kosovo may cooperate with other countries in the return procedure, or joint returns of foreigners.

8. To a foreigner shall be communicated in writing, in one of the official languages and in English that against him/her the administrative measures of forced removal shall be executed, explaining the reasons for the issuance of the removal order, the date and place where it will be executed, mode of his transportation to the place of destination and the length of entry ban. The form of forced removal order shall be determined by a by-law issued by the MIA.

#### **Article 98**

#### **Appeal against a forced removal order**

1. The foreigner has the right to appeal within eight (8) days after receipt of removal order by force at the Appeals Commission. Commission should resolve the issue within fifteen (15) days of the receipt of an appeal. The appeal against the decision on the removal by force, does not suspend the execution of the warrant removal by force

2. In cases where the foreigner is dissatisfied with the decision of the Appeals Commission then may lodge an administrative dispute to the Basic Court within eight (8) days of the receipt of the decision.



The court should resolve the issue referred to in this paragraph within sixty (60) days of the receipt of the appeal.

**Article 99**  
**Enforcement procedures of a removal order**

1. The removal order shall be given by DCAM and shall be implemented by the Border Police which:
  - 1.1. undertakes measures to keep the foreigner in a detention center, or for the application of temporary measures specified in this law, until the removal order is enforced;
  - 1.2. takes fingerprints and palm of the hand of the foreigner, photograph and biometric data;
  - 1.3. registers the removal order in relevant data bases, stating the period of prohibition of entry into the Republic of Kosovo and the border crossing point of departure of the foreigner;
  - 1.4. initiates undertaking of measures for the supply with the travel paper and ensures the return to the country of origin and a travel ticket.
2. The removal order shall be enforced immediately, in case the presence of the foreigner constitutes a threat to public order and state security.
3. In the event that neither the foreigner nor the host have the financial capabilities to afford the return expenses of a foreigner in the country of destination, travel expenses will be given as an advance loan from MIA and will be paid back by the host if the foreigner desires to come to the Republic of Kosovo after the expiration of the entry ban, or from his future employer.

**Article 100**  
**Categories of foreigners that shall not be removed**

1. A foreigner shall not be forcibly removed if one of the following conditions are met:
  - 1.1. is in possession of permanent residence permit;
  - 1.2. is born in the Republic of Kosovo;
  - 1.3. has entered into the Republic of Kosovo as an unaccompanied child and has been fitted with a permanent residence permit;
  - 1.4. has been fitted with a temporary residence permit and is married to a foreigner who has a permanent residence permit or is a citizen of Kosovo;
  - 1.5. there is a reasonable doubt that the foreigner, in his/her country of origin or another country, shall be punished by death, shall be subject to torture, inhuman or degrading treatment or punishment for discriminatory reasons;
  - 1.6. an unaccompanied child, if the country of origin or another country or other institutions guarantee not family reunification or adequate health care;
  - 1.7. is a family member of a foreigner whose refugee status is recognized in the Republic of Kosovo.
2. Exceptionally, a foreigner may be removed, even though he meets the conditions referred to in paragraph 1. of this Article, if his/her residence threatens public order and security, and constitutes a threat to national security.

**Article 101**  
**Appeal against a removal order**

1. Against a removal order a foreigner have the right to appeal at a Basic Court, within eight (8) days

of the receipt of the decision.

2. Basic Court decision may be appealed at Court of Appeals within eight (8) days which shall review the case with a priority.

### **Article 102** **Execution of temporary measures**

1. Temporary measures shall be undertaken by the Border Police to prepare and ensure the implementation of a removal order of a foreigner from the territory or to supervise his/her removal.

2. Temporary measures shall be taken as alternative detaining measures in the detention center for foreigners who are subject to removal by force, based on a case-by-case review, without affecting in guaranteeing the execution of the removal order by force.

3. Temporary measures can be taken immediately after the issuance of the removal order by force, but can be replaced, if necessary, the detaining measure at the center after it is issued and enforced.

4. Criteria, procedures and forms of the removal order shall determine by an MIA sublegal enactments.

### **Article 103** **Obligation to appear to authorities**

1. A foreigner may be obliged to report on regular period of times at the Border Police when:

1.1. against him a removal order from the territory has been issued and security is required for the implementation of this order or it is required supervision of foreigner's removal from the territory;

1.2. the foreigner before removal had a correct and a known address by the Border Police and there are no indications that the foreigner may avoid the implementation of the removal and haven't respected the terms for voluntary removal;

1.3. assess the best interest of the family of the foreigner.

2. The foreigner who has to report to the Border Police should be informed about the reasons of such an obligation.

3. Obligation to report in shall remain in force until the foreigner meets the requirements for removal from the territory, or when examination of the case has concluded otherwise. Obligation to report in shall cease immediately when no longer is deemed necessary to seek the implementation of such a measure.

### **Article 104** **Temporary confiscation of the ticket or travel document**

1. In case a foreigner is subject to a forced removal or removal order, the Border Police may, to ensure the return, confiscate the ticket and travel document. Procedures of confiscation shall be adopted with a bylaw by the Minister of Internal Affairs.

2. The Border Police shall confiscate foreigner's travel document until the decision of an administrative procedure becomes final or the fine is paid, or end of the deadline set by a court or the prosecution.

3. For the time the travel document is held confiscated, to the foreigner is issued a certificate.

**Article 105**  
**Confiscation of financial means or imposing a guarantee**

1. The Border Police shall confiscate to a foreigner the financial means if he/she owns up to the amount necessary to cover the costs of his/her return. The remainder of the financial guarantee shall be returned to the foreigner right away.
2. Instead of other temporary measures, or in parallel, according to the case-by-case assessment, Border Police may require from the foreigner to deposit a financial guarantee by which he/she guarantees his/her return.
3. Financial guarantee shall be returned to the foreigner immediately when it is estimated that there is no longer necessary or when the return of the foreigner is carried out.

**Article 106**  
**Restrictions on freedom of movement**

1. Border Police imposes restrictions to freedom of movement of foreigners, ordering him/her to residence in a given territory, if:
  - 1.1. the return or removal can not be ordered or implemented, for objective reasons or because of an obligation taken over by the Republic of Kosovo in the framework of an international agreement in force;
  - 1.2. has a residence permit for humanitarian reasons;
  - 1.3. the period of detention have been concluded at the detention center and removal of a foreigner is not possible or for humanitarian reasons the foreigner can not be kept detained at the detention center;
  - 1.4. in cases when public health authorities, based to an assessment and in accordance with the International Health Regulation, recommend the isolation of the person or persons for a period of time valid for the isolation of the suspected disease.
2. The foreigner has the right to lodge an appeal at a Basic Court against the residence order in a given territory, same as against the detention order to the foreigner at the detention center.
3. Border Police shall specify in the order the residence in a given territory, define the general rules of residence, place and length of the residence, as well as notify the foreigner to report in at the competent police authorities every month. Form of the forced residence order in a given territory shall be defined under a by-law to be issued by MIA.

**Article 107**  
**Detention Center**

1. Detention centers shall have a certain level of security and of freedom limitations, where may only be kept a foreigner who is the subject of forced removal or removal from the territory of the Republic of Kosovo.
2. Detention center must meet all conditions of human treatment as well as respect for human rights guaranteed by the Constitution of Kosovo and to enable the provision of health services.
3. DCAM in the case of detaining a foreigner in the detention center, at the request of the latter, shall take immediate measures for taking care for the family members of the detained foreigner, who are left unattended by.
4. Detention center is part of the organizational structure of the MIA.

**Article 108**  
**Detainment at the detention center**

1. Detainment at the detention center is a last resort administrative measure, which is issued and executed by the Border Police, against a foreigner, for whom a forced removal or removal order has been issued, based on the case-by-case assessment, when all possible alternative measures are implemented or when based on an assessment such measures are considered inapplicable to a foreigner, or to a foreigner who is under readmission procedures according to readmission agreements in force.
2. A foreigner shall remain detained in the detention center, for the shortest period of time, until the legal proceedings are carried out, to enable his removal from the Republic of Kosovo, within the period of time specified in this law.
3. Border police may detain a foreigner in the detention center for the reasons of public security, identity verification or other reasons.
4. A foreigner shall be notified in written form, in one of the official languages and in English, for his/her detainment at the detention center, which shall contain the reasons for the detention, the detention period, the right to provide him/her with legal protection, as well as to contact his/her relatives.

**Article 109**  
**Appeal against a detaining order**

1. A foreigner has the right to appeal against the detaining order, to the Basic Court, within thirty (30) days after receipt of the detaining order or extension of detainment.
2. Appeal against the decision of the Basic Court shall be lodged at the Court of Appeals according to the relevant legislation in force.

**Article 110**  
**Detaining period at the detention center**

1. A foreigner is detained at the detention center for a maximum period of time of up to six (6) months.
2. Border Police in consultation with DCAM may extend detaining period at the detention center for up to additional six (6) months, if within the six (6) months detaining period of time, removal of the foreigner was not possible in cases when:
  - 2.1. foreigner refuses to provide data or personal information and travel documents necessary for his/her return, or provides false information;
  - 2.2. foreigner has prevented his/her return in various forms;
  - 2.3. there are delays in the issuance of the travel document or any other document necessary for the return.
3. Extension of the period of detainment at the Detention Center shall be carried out at least fifteen (15) days before the expiration of the six (6) months of detainment at the center.
4. During the period of detention in the detention center, Border Police in consultation with DCAM will review the existence of the conditions for keeping detained at the center the detained foreigner. Depending on the assessment of the circumstances, the Border Police may decide to replace the measure of detainment at the center with other appropriate measures prescribed by the law.
5. If a foreigner commits a criminal offense during his residence in the detention center, against him/her shall commence criminal prosecution under the provisions of penal legislation in force.

**Article 111**  
**Termination of detainment in the detention center**

1. Detaining a foreigner in the detention center shall be terminated in the following cases:
  - 1.1. with the removal of the foreigner;
  - 1.2. at the end of the detention period specified in the detention order;
  - 1.3. if the residence of a foreigner becomes illegal;
  - 1.4. upon annulment of the decision for detainment in the detention center;
  - 1.5. with the replacement of the measure of detaining at the detention center with another temporary measure as stipulated by this law;
  - 1.6. upon release from the center.
2. A foreigner shall be released from the detention center in cases where:
  - 2.1. based on the circumstances the removal of the foreigner can not be carried out by force;
  - 2.2. the court orders his release from the detention center.

**Article 112**  
**Detention of unaccompanied children**

1. Exceptionally, an unaccompanied child, against whom a detention order has been issued, shall be kept in a state social center or other center in the framework of cooperation with international organizations that carry out missions for children, victims of trafficking or other categories of individuals in need.
2. A child may be kept in the detention center, only in case of his/her or his/her family best interest, in special facilities separate from those for adults.
3. Before a child is detained in the detention center, shall be requested an opinion of a social worker or psychologist.

**Article 113**  
**Notification of the diplomatic representative**

1. At the request of the foreigner, or when it is determined by a bilateral agreement, the Ministry of Foreign Affairs shall immediately notify the diplomatic or consular representative of the country of the foreigner in the Republic of Kosovo about detainment of the foreigner in the detention center, and also about the extension of the detention period.
2. In case the foreigner has applied for asylum or enjoys the refugee status or other protection in the Republic of Kosovo, the information referred to in paragraph 1. of this Article shall not be disclosed to the diplomatic or consular representative of his/her country.

**Article 114**  
**The rights of a foreigner in the detention center**

1. A foreigner who is residing in the detention center, shall be informed, where possible, in his/her language, or in the English language at least, with every action which is undertaken by the competent authorities, for keeping him/her in the center.
2. A foreigner shall enjoy the right to human treatment, sufficient food, legal assistance at any time and health care.

3. A foreigner shall enjoy the right for informing the diplomatic or consular representative for his/her detention. The foreigner has the right to appeal at the Basic Court for violation of his/her fundamental rights in the detention center.

4. In case the foreigner is subject to readmission procedure, he/she shall be informed about his/her rights and obligations which he/she has under the legislation in force, when possible, in the language he/she understands, or at least in English.

#### **Article 115** **Compensation of costs of removal or forced return**

1. A foreigner shall be charged with accommodation costs at the detention center and other costs incurred during his/her removal or forced return.

2. All financial means that are taken from a foreigner who is subject to removal or forced return shall be made against the issuance of a certificate.

3. Financial means that are taken from a foreigner shall be used only to cover the costs set out in paragraph 1. of this Article.

4. If a foreigner does not have the means to cover the costs in accordance with paragraph 1. of this Article, the costs shall be charged to the natural or legal person, who has enabled him/her to enter or residence, or illegal transit of the foreign in the territory of the Republic of Kosovo, or the natural or legal person which took over to cover the expenses of residence and return of the foreigner in and out of the territory of the Republic of Kosovo, carriers and employers who employed a foreigner in violation of the provisions of this law.

5. Confiscation of financial means according to this article shall carry out the Border Police for covering the costs.

### **CHAPTER VI** **SUPERVISION AND CONTROL**

#### **Article 116** **Supervision and control of foreigners**

1. Border Police, in the course of exercising their duties as defined under the law shall:

1.1. supervise the implementation of the rules of entry and residence of foreigners defined under this law;

1.2. perform checks (controls) and enter into private facilities, where a foreigner resides, if there are reasonable doubts, in accordance with the rules and conditions set forth in the Criminal Procedure Code ;

1.3. ask for travel documents, residence permit or identity document;

1.4. accompany a foreigner who does not have an identity document, residence permit, travel document or any other document that proves his/her identity;

1.5. transport the foreigner, which has a removal, forced removal or removal order, to the border crossing point or to the country of origin;

1.6. transport a detained foreigner, if necessary, to a medical institution, to receive medical treatment, or for public health reasons to ensure his isolation;

1.7. accompany and take measures for the return of a foreigner illegally residing to the country of origin or the transit country which the foreigner has used it for entry into the Republic of Kosovo;

1.8. take measures that the foreigner detained appears at court;

1.9. accompany a foreigner to the diplomatic or consular representation, in order to conduct an interview required, to get the travel documents and returns him/her back to the institution where the detainment is implemented;

1.10. collaborate with other authorities of control of law enforcement by foreigners during their entry and residence in the territory of the Republic of Kosovo;

1.11. impose fines on a foreigner and take measures to enforce them for all the cases specified under this law.

2. Supervision of implementation of the provisions of this law with regard to working conditions, protection at work and working environment as well as other foreign workers rights shall carry out the Labour Inspectorate according to the relevant legislation in force.

#### **Article 117** **Obligation of a foreigner to prove his/her identity**

1. A foreigner shall prove his/her identity by:

1.1. travel document;

1.2. personal identity document of a foreigner;

1.3. other official document that contains a photo and on the basis of which is possible to establish his/her identity.

2. A foreigner is obliged to keep the document by which proves his/her identity and present it if requested by an official person responsible for control.

3. A foreigner is obliged to show his/her travel document while crossing the border when requested by an official person.

4. A foreigner who does not possess an identification document is required to submit his/her personal information correctly to an officer responsible for the control of foreigners in the territory.

5. A foreigner shall not provide others to use his/her travel documents, and also it is forbidden the use of false identity documents or travel documents of another person.

#### **Article 118** **Obligations of an employer in the cases of employing foreigners working illegally**

1. An employer who employs or uses the work of foreigners residing illegally in the territory of the Republic of Kosovo shall be liable for the payment of taxes, fines and other coercive penalties.

2. Among other obligations under paragraph 1 of this Article shall be considered all taxes and obligatory insurance contributions laid down under the legislation in force, which the employer shall pay in case the foreigner was legally employed.

#### **Article 119** **Return of travel document and residence permit of foreigner**

1. A foreigner shall be obliged to return the travel document and residence permit of foreigner issued by the Republic of Kosovo in case:

1.1. is removed definitively from the territory of the Republic of Kosovo;

1.2. period of validity of the document expired;

1.3. acquires the citizenship of Kosovo.

## **CHAPTER VII PROCESSING OF PERSONAL DATA**

### **Article 120 Data collection and evidences**

1. State competent authorities dealing with foreigners collect and administrated personal data for foreigners from state bodies, private subjects, or foreigners with residency in the Republic of Kosovo, and also from the foreigner himself; they record these data in the database for foreigners, and also in special record where this;

1.1. is foreseen with law or with international agreements ratified by the Republic of Kosovo;

1.2. is in the interest of the foreigner and he does not oppose it;

1.3. it is required in order to protect public order, state security and public health.

2. In order to implementation of this law, in cases of expelling or deportation of the foreigners, responsible authorities have the right to communicate the personal data with the countries of origin and transit countries, other countries and relevant international organizations, with the condition that those countries and organizations ensure a similar protection of transmitted data.

3. Personal data mentioned below are communicated:

3.1. personal data (name, surname, date and place of birth, gender, citizenship, last known address at the country of origin) of the person in question, if it is necessary, personal data of his relatives;

3.2. data on the passport or other identification document;

3.3. fingerprints, photos and other biometric data;

3.4. data related to other documents that enable identification of the person;

3.5. data on health condition of the person, with condition that this is in line with his interest;

3.6. any other data necessary to grant entrance of the person in the country of destination and to preserve the security of the persons that accompany that person;

3.7. data on the itinerary followed by the person, and also the places where he resided;

3.8. data on the residency permits and visas the person was issued;

3.9. data related to penal procedure as much as this is important for return procedure, maintenance of public order and security in the place of origin or residence place and as far as the foreigner is not endangered.

4. On request the abovementioned data of the paragraph 3 of this article are also communicated to the prosecution authorities.

5. Communication, access and information of personal data according to this article will be conducted in accordance with Law on Protection of Personal Data.

6. Collection, processing, recording, communication, information, access and deleting of personal data for foreigners after the foreseen deadline with article 122 of this law is stipulated with the Law on Protection of Personal Data.



**Article 121**  
**Use of data**

1. Competent authorities for the treatment of foreigners shall administer and use the data of foreigners collected in accordance with the principles for data protection, and shall make them available to judicial authorities, state security authorities, refugee institutions dealing with foreigners areas.

2. The data collected and administered in accordance with the law and for implementation of the law for the protection of personal data, shall be stored and used for a certain period of time, no more than it is necessary for the purpose for which they were collected or processed.

3. For legal reasons, have the right to collect, administer, exchange and seek the availability of data of the foreigners, the following authorities for the issues:

- 3.1. citizenship;
- 3.2. employment of foreigners;
- 3.3. finance and customs;
- 3.4. civil status;
- 3.5. public health;
- 3.6. education and science.

**Article 122**  
**Storing of data**

1. Competent authorities for the treatment of foreigners, which collect and administer data of foreigners, according to the law, shall store them for a period of five (5) years after expiration of validity of the visa or temporary residence permit, or ten (10) years from the conclusion of punitive administrative or criminal proceedings.

2. Competent authorities for the treatment of foreigners, which collect and administer personal data of foreigners, shall take appropriate organizational and technical measures to protect personal data from unlawful or accidental destruction, accidental loss, access or distribution to unauthorized persons, especially when data processing is performed in the network, as well as any other form of unlawful processing.

3. Anyone who has access to personal data collected, stored and processed by competent authorities for the treatment of foreigners, as in the course of exercise of duties as well as upon conclusion, shall be subject to liability for maintaining confidentiality and non distribution of any personal data, except when otherwise specified by the law.

**CHAPTER VIII**  
**ADDRESS OF RESIDENCE OF A FOREIGNER**

**Article 123**  
**Notification of address**

1. A foreigner shall be obliged to notify his/her address and change of his/her address in the nearest Police Station within three (3) days from the date of entry into the territory of the Republic of Kosovo, respectively from the date of change of the address of residence.

2. A foreigner with a residence permit in the Republic of Kosovo shall be obliged to notify place of residence and change of the address of residence in the nearest Police Station or DCAM, within eight (8) days from the date of change of the address of residence.

3. A foreigner referred to in paragraph 1. and 2. of this Article shall be obliged to de-register the place of residence, respectively place of residence, before he/she leaves the Republic of Kosovo.

**Article 124**  
**Notification of address by public and private institutions**

1. Public or private health institutions that admit foreigners for treatment shall be obliged to inform the nearest Police Station within twenty-four (24) hours from the date of receipt.

2. Natural and legal persons who provide accommodation to foreigners, but also to persons who come for visit to foreigners in the Republic of Kosovo shall be obliged to inform the nearest Police Station within twelve (12) hours of the receipt of the foreigner.

3. The provisions referred to in paragraph 1. and 2. of this article, are dealing with the foreigners who residence in the Republic of Kosovo for up to ninety (90) days.

**Article 125**  
**Records of foreigners**

1. Natural and legal persons who provide accommodation for foreigners, shall be obliged to maintain records for the foreigners accommodated.

2. Persons referred to in paragraph 1. of this Article are obliged to maintain the records on foreigners at least three (3) years from the date of the conclusion.

3. Persons referred to in paragraph 1. of this Article shall be obliged that at the official request of an authorized official of the competent authority, to provide the data from the records for viewing.

**CHAPTER IX**  
**INTEGRATION OF FOREIGNERS INTO ECONOMIC, CULTURAL AND SOCIAL LIFE**

**Article 126**  
**Aid for foreigners integration**

Institutions responsible must provide conditions for integration in to economic, cultural and social life of foreigners who enjoy the right to reside in the Republic of Kosovo.

**Article 127**  
**Institutions and organizations**

1. State institutions in accordance with their competencies shall cooperate with social partners, non-profit organizations and international organizations for the promotion and implementation of the integration programs of foreigners into society.

2. State institutions and organizations in accordance with paragraph 1. of this Article shall provide the foreigners with protection against any form of discrimination.

**CHAPTER X**  
**PENALTY PROVISIONS**

**Article 128**  
**Penalty provisions and execution**

1. A fine in the amount of one hundred (100) to three hundred (300) Euro will be sentenced by Police to the foreigner who:

1.1. is served with a travel document different from that with which he has entered in the Republic of Kosovo (article 4 of this Law);

1.2. does not file in an application for a temporary residence of the child within the period defined by law (article 45, paragraph 1 of this Law);

1.3. does not file in an application for extension of temporary residence within thirty (30) days before the expiration of the existing temporary residence (article 47 paragraph 1 of this Law);

1.4. has resided in the Republic of Kosovo in non compliance with the purpose for which he/she was granted a temporary residence (article 66, paragraph 1, sub-paragraph 1.4 of this Law);

1.5. does not present the removal order to the police officials at the border crossing point (article 94, paragraph 2 of this Law);

1.6. does not inform DCAM, for the cease of the conditions for which a temporary work permit has been granted (article 81, paragraph 1.2. of this Law);

1.7. does not possess a certificate of work notification (article 76 of this Law);

1.8. at the request of an official person he/she does not present a document proving his/her identity nor carries with him/her (article 117, paragraph 2 of this Law);

1.9. does not return the travel document for foreigners and the residence permit (article 119 of this Law);

1.10. does not report the loss, disappearance or theft of documents;

1.11. does not notify or de-register the address (article 123 and 124 of this Law);

1.12. resides in the territory of the Republic of Kosovo in contravention of the purpose of entry. (article 40 paragraph 1.2. of this Law).

2. From the Labour Inspectorate with a fine in the amount of one thousand (1,000) to two thousand and five hundred (2,500) Euro shall be punished an employer as a natural person, with a fine in the amount of five thousand (5,000) to seven thousand (7,000) Euro shall be punished an employer as a legal entity and the responsible person who:

2.1. has not signed contract or without other appropriate documents for a foreigner whose services he/she is utilizing (article 71, paragraph 1 of this Law);

2.2 does not inform DCAM for termination of conditions which the residence and work permit has been granted to him/her (article 82, paragraph 2 of this Law);

### **Article 129**

1. With a fine of two hundred (200) to five hundred (500) Euro will be punished by the Police a foreigner who:

1.1. moves into areas where his/her movement has been limited (article 106 of this Law);

1.2. is illegally residing in the Republic of Kosovo (article 93 of this Law);

1.3. obstructs forced removal (article 97, paragraph 2 of this Law);

1.4. departed from the detention center without permission or has not applied the rules of residence in the detention center (article 108 of this Law);

1.5. at the request of officials did not submit for control the travel document or any other document which is used for border crossing (article 117, paragraph 3 of this Law);

1.6. does not have an identity document and at the request of a police officer does not provide personal data (article 117, paragraph 4 of this Law);

1.7. his/her documents were given to another person to use, or uses an invalid document, or of someone else as if it were his/her (article 117, paragraph 5 of this Law).

2. For infringements referred to in paragraph 1 of this article, parallel to or independently from the punishment, a removal order for the foreigner may be issued.

### **Article 130**

1. A fine of five thousand (5,000) to seven thousand (7,000) Euro will be imposed by the Labour Inspectorate if the foreigner:

1.1. works without a residence and a work permit as well as a certificate of registration of work (article 67, paragraph 1 of this Law);

1.2. which works and acts in non-compliance with article (67, paragraph 5 of this law).

2. For the offenses referred to in paragraph 1 of this Article may be sanctioned with removal order independently and without punishment.

### **Article 131**

1. With a fine in the amount of three thousand (3,000) to six thousand (6,000) Euro for each foreigner carried, shall be punished by the Police the carrier of a foreigner who does not have a valid passport or other document which is used for border crossing, a valid visa or a residence permit (article 35, paragraph 2 of this Law).

2. With a fine in the amount of four thousand (4,000) to six thousand (6,000) Euro for each foreigner carried, shall be punished by Police the carrier as a natural person who at his/her own expense has not delivered (removed) a foreigner to the border crossing point or from the Republic Kosovo or didn't take over the expenses for the return of the foreigner (Article 35, paragraph 3, 4 and 5 of this Law).

3. With a fine in the amount of four thousand (4,000) to six thousand (6,000) Euro for each foreigner assisted shall be punished by Police a natural person who assists a foreigner illegally to cross the border, transit and illegal residence in the Republic of Kosovo (article 36 of this Law).

4. With a fine in the amount of six thousand (6,000) Euro shall be punished by Police a legal entity in the case of paragraph 2 and 3 of this Article, with a fine in the amount of two thousand and five hundred (2,500) Euro the responsible person at the legal entity, for each foreigner carried or assisted.

### **Article 132**

1. From Labour Inspectorate with a fine in the amount of five thousand (5,000) to eight thousand (8,000) Euro for each foreigner will be punished an employer - a natural person who employs a foreigner or uses his/her work, and a fine in the amount of twenty thousand (20,000) to forty thousand (40,000) Euro for each foreigner will be punished an employer - a legal entity which employs a foreigner or uses his work:

1.1. If employs a foreigner who is in no possession of residence and work permit or certificate of registration of work (article 67, paragraph 1 of this Law);

1.2. If employs a foreigner in non-compliance with the provisions of article 67 paragraph 6. of this law.

2. From Labour Inspectorate with a fine in the amount of five thousand (5,000) to eight thousand (8,000) Euro for each foreigner shall be punished an employer – a legal person which employs or uses the work of foreigners illegally residing in the Republic of Kosovo, and a fine in the amount of seventy thousand (70,000) to eighty thousand (80,000) Euro for each foreigner shall be punished an

employer - a legal person who employs or uses the work of foreigners illegally residing in the Republic of Kosovo (article 67, paragraph 7 of this Law).

3. For offenses referred to in paragraph 1 of this Article shall be punished by Labour Inspectorate by a fine of five thousand (5,000) to eight thousand (8,000) Euro the responsible person in the legal person.

4. For offenses referred to in paragraph 2 of this article with a fine in the amount of twenty thousand (20,000) to forty thousand (40,000) Euro, shall be punished by Labour Inspectorate the responsible person in the legal person.

5. For offenses referred to in paragraph 1. and 2. of this article, conduct of activities may be prohibited.

6. From the Labour Inspectorate with a fine in the amount of ten thousand (10,000) to fifteen thousand (15,000) Euro shall be punished an employer - a natural person, with a fine in the amount of thirty thousand (30,000) to sixty thousand (60,000) Euro shall be punished an employer - a legal person which does not offer to provide data or obstructs access to indoor or fenced areas or to commercial property.

### **Article 133**

1. By the Labour Inspectorate with a fine in the amount of five thousand (5,000) to eight thousand (8,000) Euro shall be punished for an infringement a foreign employer, if before sending an employee, does not submit the statement or submits it incomplete or wrongfully (article 80 of this Law).

2. By the Labour Inspectorate with a fine of five hundred (500) to one thousand and five hundred (1,500) Euro for offenses referred to in paragraph 1 of this article shall be punished the foreign employer as natural person or responsible person of the legal person.

3. The Labour Inspectorate with a fine of fifteen thousand (15,000) to thirty thousand (30,000) Euro for each foreigner shall punish any foreigner as a service receiver, if he knows or has reasons to know that for the work is using a posted worker who is not legally employed by a foreign employer (article 77 of this Law).

4. By the Labour Inspectorate with a fine of three thousand (3,000) to five thousand (5,000) Euro for each foreigner for a criminal offense according to paragraph 3 of this Article shall be punished the beneficiary and a natural person and the responsible person of legal person.

### **Article 134**

1. With a fine in the amount of two hundred (200) to four hundred (400) Euro shall be punished a natural person or with a fine in the amount of four hundred (400) to eight hundred (800) Euro shall be punished from the Police a legal person if:

1.1. does not notifies or de-register the address, (article 124 of this Law);

1.2. to an authorized person does not makes available the data from the records on foreigners providing services (article 125 paragraph 3 of this Law).

2. For infringements referred to in paragraph 1. of this Article with a fine in the amount of five hundred (500) to one thousand (1,000) Euro a responsible from Police person of the legal person.

## **CHAPTER XI PROVISIONAL AND FINAL PROVISIONS**

### **Article 135 Final provisions for a work permit**

A work permit, issued to foreign employers and employees and exemptions from the obligation to

obtain a work permit in accordance with the provisions of the legislation in force before the entry into force of this law, are valid until the end of the validity period, unless annulled by the responsible state authorities or become invalid in application of the provisions of this law.

**Article 136**  
**Final provisions for a residence permit**

Residence permits issued to a foreigner in accordance with the provisions of the legislation in force, before the entry into force of this law, shall be valid until the end of their date of termination, unless annulled by the responsible state authorities or become invalid, pursuant to the provisions of this law, or bylaws issued for its implementation.

**Article 137**  
**Issuing of sublegal enactments and implementation of the sublegal enactments in power**

1. For implementation of this law, MIA issues sublegal enactment for following:

1.1. form, content and the procedure of issuing travel documents according to paragraph 4 of Article 7 of this law;

1.2. structure, duties, responsibilities and decision- making procedure of the Commission for Appeals, according to paragraph 4 of Article 9 of this law;

1.3. conditions and procedures of issuing the visa at the border crossing point, according to paragraph 3 Article 26 of this law;

1.4. conditions and the procedures of extending the visa according to paragraph 4 Article 27 of this law;

1.5. form, content and the procedure for issuing of temporary resident permit according to paragraph 5 Article 41 of this law;

1.6. form for Order for Expelling, Form for Order for Expelling by force and the Form of Order for Compulsory Residence in a particular territory according to paragraph 10 Article 94, paragraph 8 Article 97 and paragraph 3 of Article 106 of this Law;

1.7. criteria, procedures and the form of order for expelling according to paragraph 1. Article 104 of this law;

2. Implementing this law, the MFA issue following sublegal enactments for:

2.1. duties and responsibilities of the commercial inter-mediator and/or external provider of services according to paragraph 3 Article 15 of this law;

2.2. the form, way and procedures of issuing of visas according to paragraph 3 of article 17 of this law;

2.3. Information System for Kosovo Visas SIVK according to paragraph 2 article 20 of this law;

3. Implementing this law, MLSW in cooperation with MIA issue following sublegal enactments for:

3.1. form, structure, categories and procedures of application for resident permit for job.

4. The fee for taxes for resident permit will be defined with a special sublegal enactment by the Minister of MIA.

5. For implementation of this law can be issued also other sub-legal acts.

**Article 138**  
**Abrogation**

1. By entering into force of this law, the following are abrogated:

1.1. Law on Foreigners No. 04/L-069;

1.2. Law on Issuing of Working and Employment Permit for Foreigners Nr 03/L-136;

1.3. All provisions that are in contradiction with this law.

2. Until issuing the Administrative Instructions, following Administrative Instructions remain in force:

2.1. Administrative Instruction Nr 18/2009 – MIA on Travel Documents for Foreigners;

2.2. Administrative Instruction Nr. 01/2010 - MIA on Establishment of Commission for Assessment and Commission for Appeals;

2.3. Administrative Instruction Nr. 02/2010 - MIA on Content, Form, Way of Issuing and Termination of the Resident Permit;

2.4. Administrative Instruction Nr. 03/2010-MPB MIA on Banning Entrance in the Republic of Kosovo;

2.5. Administrative Instruction Nr. 21/2010 - MIA on Issuing Visas at the Border Crossing Points;

2.6. Administrative Instruction Nr. 22/2010 –MIA on Issuing of Travel Documents for Foreigners;

2.7. Administrative Instruction Nr. 23/2010 – MIA on Maintaining and Managing of Registers for Foreigners;

2.8. Administrative Instruction Nr.31/2010 –MIA on ID cards for Foreigners;

2.9. Administrative instruction 07/2012 on Procedures for the Issuance of Visas for Foreigners by the Consular Missions of the Republic of Kosovo;

2.10. Administrative Instruction 08/2012 on the Regulation of the Kosovo Visa Information System (kvis);

2.11. Administrative Instruction no.05./2010, for Regulation of Procedures for issuing of the Working Permits of Foreign Citizens in the Republic of Kosovo;

2.12. Administrative Instruction no.14./2012, for i Amendment and Fulfillment of Administrative Instruction no.05/2010, for Regulation of Procedures for issuing of the Working Permits of Foreign Citizens in the Republic of Kosovo.

**Article 139**  
**Entry into force**

This law shall enter into force fifteen (15) days after publication in the Official Gazette of the Republic of Kosovo.

**Law No. 04/L- 219**  
**31 July 2013**

**Promulgated by Decree No.DL-042-2013, dated 19.08.2013, President of the Republic of Kosovo Atifete Jahjaga**