

Law No.03/L –208

ON READMISSION

Assembly of Republic of Kosovo,

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

Adopts

LAW ON READMISSION

**CHAPTER I
GENERAL PROVISIONS**

**Article 1
Aim**

This law sets forth the rules and procedures for readmission of a person who is either a citizen of the Republic of Kosovo or a foreigner, who does not fulfil or who no longer fulfils the requirements for entry or residence applicable on the territory of the requesting State.

**Article 2
Definitions**

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

1.1. **Readmission** - the act of the competent authorities of the Republic of Kosovo for readmission of its nationals and third country citizens;

1.2. **Citizen of Kosovo** - every person who holds the citizenship or is eligible for the citizenship of the Republic of Kosovo according to the Law On Citizenship of the Republic of Kosovo;

1.3. **Foreigner means**- a person who is not a national of the Republic of Kosovo;

1.4. **Evidence of citizenship of Kosovo** - proof as set forth under the Law on Citizenship;

1.5. **Competent authority** - Kosovo Ministry of Internal Affairs – Department for Citizenship, Asylum and Migration (DCAM);

1.6. **Requesting State** - any State which submits a readmission request to the authorities of the Republic of Kosovo for the return of a person;

1.7. **Competent authority of requesting State** - the authorised body of the requesting State submitting the request to return;

1.8. **Readmission request** - a written request sent by the requesting State to competent authorities of Kosovo for the return of a person to the territory of the Republic of Kosovo;

1.9. **Data** - the personal details of a person who is subject of a readmission request containing: name, last name, date and place of birth, last residence in Kosovo, details on parents which are maintained and used only for the purpose of the readmission in accordance with the law on the protection of personal data;

CHAPTER II PROCEDURES ON READMISSION

Article 3 Readmission of Citizens of the Republic of Kosovo

The competent authority shall readmit to its territory a citizen who does not fulfil or no longer fulfils the requirements for entry or residence applicable on the territory of the requesting State.

Article 4 Evidence of and eligibility to citizenship of Kosovo

Proof of citizenship is established or reasonably presumed if a person has citizenship or right to have a citizenship of Republic of Kosovo according to the Article 28 and 29 of the Law nr. 03/L-034 on Kosovar Citizenship.

Article 5 Presumption of citizenship of Kosovo

Presumption of citizenship made by copies of documents that prove citizenship or the right to citizenship according to the Article 4 of this Law, including expired documents or any other document through which the citizenship can be presumed.

Article 6 Readmission of foreigners to the Republic of Kosovo

1. The competent authority shall readmit to its territory a foreigner who does not fulfil or no longer fulfils the requirements for legal entry and stay in the requesting State, provided that the foreigner:

1.1. is meeting the requirements for legal entry and stay in the Republic of Kosovo according to the Law on Foreigners; or

1.2. has illegally entered and stayed in the territory of the Republic of Kosovo prior to entry into the requesting State.

Article 7 Initiation of readmission procedure

1. Upon receiving a readmission request by a requesting State, the competent authority shall confirm whether the person subject to readmission:

1.1. holds the citizenship of the Republic of Kosovo;

1.2. fulfils the criteria of eligibility to acquire citizenship of the Republic of Kosovo according to the Law on Kosovo Citizenship, or;

- 1.3. is a foreigner who holds a valid visa or residence permit issued by the Republic of Kosovo and is not in a possession of a valid visa and/or any other document that would allow him to enter and/or stay in the territory of the requesting state.
2. The readmission of the person which is subject to the readmission request shall be conducted after confirmation provided by the competent authority.
3. The competent authority shall inform the requesting State of its decision in written form within thirty (30) working days, after receiving the request, after the deadline is passed, readmission approval shall be considered granted.
4. If the person subject to the readmission request is in the possession of a valid travel document, the competent authority shall inform the requesting State of its decision within three (3) working days after receiving the request.
5. The competent authority may request additional information from the requesting State regarding the specific characteristics of the person concerned, provided that the information requested does not touch upon the requesting States' national data protection or privacy rules, without prejudice to its obligation to readmit citizens and foreigners according to Article 3 and 6 of this Law.
6. Accepting or rejection of the application for readmission should be in written.

Article 8 Travel Documents for return

1. After having confirmed the readmission request, the competent authority shall immediately and not later than within five (5) working days issue the travel document required for return of the citizen or the foreigner subject to readmission according to the Law on Travel Documents or the Law on Foreigners.
2. After the lapse of five (5) days as determined in paragraph 1 of this Article, the competent authority will recognize the issuance of a travel document for return issued by the requesting State to the person subject to readmission.

Article 9 Border crossing points for return

The readmission of returnees will be conducted at official border crossing points announced by the Kosovo authorities.

Article 10 Readmission Agreements

This law is establishing a basic framework on readmission without prejudice to any agreement on readmission between the Republic of Kosovo and any other requesting State.

Article 11 Data Protection

In the event of ex-change of personal data in order to implement this law, all data shall be collected, maintained and processed according to the Law on Protection of Personal Data.

Article 12
Register of returned persons

Competent authority shall hold and maintain the register of readmitted persons.

Article 13
Applicability

1. The procedure for readmission of citizens and foreigners must be in accordance with the Constitution of the Republic of Kosovo, Geneva Convention of 1951 and Protocol on the Status of Refugees of 1967.

2. The Ministry of Internal Affairs shall issue sub-legal acts necessary for implementation of this law.

CHAPTER III
FINAL PROVISIONS

Article 14
Abrogation

Upon entry into force of this law all legal provisions that are not consistent with this Law shall be abrogated.

Article 15
Entry into Force

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

Law No.03/L –208
25 June 2010

Promulgated by the Decree No. DL-030-2010, dated 12.07.2010, of the President of Republic of Kosovo, Dr. Fatmir Sejdiu.