

LAW No. 03/L-126

ON FOREIGNERS

Assembly of Republic of Kosovo,

In support of article 65 (1) of the Constitution of the Republic of Kosovo and for the purpose of replacing the legal rules for foreigners:

Adopts:

LAW ON FOREIGNERS

CHAPTER I

GENERAL PROVISIONS

Article 1

Scope of the Law

1. By this law is regulated the entry, movement and stay of foreigners in Republic of Kosovo.
2. The provision of this Law relating to the stay of foreigners shall not apply to the members of diplomatic missions and consular posts, to the members of the missions of the organizations of the United Nation and other accommodate institutions of the United Nations, the members of the missions of international organizations accredited in the Republic of Kosovo and the members of their families or household.

Article 2

Definitions

The terms used in this law shall have the following meaning:

"Foreigner" is a person who is not a national of the Republic of Kosovo;

"Citizen" is a national of the Republic of Kosovo.

"Competent body" is the Ministry of Internal Affairs

Article 3

Priority of citizenship

A foreigner who possesses more than one citizenship shall be considered a citizen of that state which issued him/her the Travel Document by which he/she entered the Republic of Kosovo.

Article 4

Right of entry

1. A foreigner may only enter the Republic of Kosovo and stay in its territory with a valid travel document in which a visa or permission for stay is recorded unless the provisions of this Law or international agreement(s) specify otherwise.

2. A foreigner without a valid travel document is permitted entry into the Republic of Kosovo, if the Republic of Kosovo is obliged to admit him/her according to an international agreement.

Article 5

Joint passports

1. A foreigner who is recorded in the travel document of another person may enter and exit the Republic of Kosovo only with the person in whose travel document he/she is recorded.

2. In exception to Article 5 (1) a foreign juvenile may enter and exit the territory of the Republic of Kosovo in the absence of a parent or legal guardian in whose passport he/she is included only with the specific authorization of the competent body.

3. Foreigners who have a joint passport may enter and leave the Republic of Kosovo only together and must have a document that contains their photograph that can be used to confirm their identity. The leader of the group shall be in possession of a personal travel document.

Article 6

Freedom of movement

1. Everyone lawfully within the territory of the Republic of Kosovo shall, within that territory, have the right to liberty of movement and the freedom to choose his/her residence.

2. The movement of foreigners within the Republic of Kosovo may only be restricted in accordance with the law and to the degree that is necessary in a democratic society to:

2.1. protect vital and compelling national security interests;

2.2. prevent serious and urgent threats to public safety and/or public order;

2.3. prevent serious and urgent threats of crime;

2.4. prevent serious and urgent threats to public health and/or morals;

2.5. prevent serious and urgent threats to the rights and freedoms of others.

Article 7

Adherence to law

A foreigner shall adhere to the laws and regulations, including subsidiary legal acts, and to the decisions of state bodies during his/her stay and movement in the Republic of Kosovo.

Article 8

Right to association

1. A foreigner may create associations in accordance with the law.

2. A foreigner is not permitted to create a political party.

Article 9

Administrative Procedure

Administrative procedures affecting foreigners shall be subject to the Law on Administrative Procedure unless otherwise provided for in this Law.

CHAPTER II

TRAVEL DOCUMENTS

Article 10

Foreign Travel Documents

1. A foreign travel document shall mean only these travel documents issued by foreign states: personal or family passports, joint passports, diplomatic passports, official passports, and maritime passes, ferry passes or other travel documents issued according to international agreements.

2. Travel documents for foreigners issued by the Republic of Kosovo shall be:

2.1 Travel document for foreigners;

2.2. Travel paper for foreigners;

2.3. Travel documents for refugees;

2.4. Travel documents for stateless persons.

Article 11

Issue of Travel Documents for Foreigners

1. A Travel document for a foreigner may be issued to a person who is not a citizen of the Republic of Kosovo in accordance with the conditions foreseen by this Law and the Law on Asylum.

2. A Travel document for a foreigner shall be issued by the competent body according to the address of the foreigner.

3. A Travel paper for a foreigner may be issued by a diplomatic mission or consular office of the Republic of Kosovo abroad or the competent body within the territory of the Republic of Kosovo.

4. A Travel document for foreigners may be issued with a validity of up to ten years.

Article 12

Issue of Travel Paper for Foreigners

1. A Travel Paper may be issued to a foreigner who does not possess a valid travel document if:
 - 1.1. his/her Republic of Kosovo citizenship has been removed pursuant to one of the grounds enumerated in the Kosovo Law on Citizenship;

 - 1.2. he/she has lost his/her travel document or is without it for some other reason and the state whose citizen he/she is does not have a diplomatic mission or consular office in the Republic of Kosovo and there is no other state which will represent his/her interests to exit from the country.

2. A Travel Paper may be issued to a foreigner for reasonable cause with the consent of the competent body

Article 13

Non-Issue and Confiscation of Travel Documents for Foreigners

1. A Travel Document for a foreigner shall not be issued to a foreigner:

1.1 who is subject to a criminal procedure save with the consent of the state body leading this procedure;

1.2 who is convicted with imprisonment or fine until he/she serves the punishment or pays the fine;

1.3 who has failed to satisfy outstanding civil obligations with respect to real property at the request of the competent court;

1.4 if this is justified to protect legal order, national security and/or public health, according to the procedures and the guarantees established by the law.

2. A Travel Document for foreigners may be confiscated on the basis of any of the reasons found in this Article. A receipt will be issued. An appeal has no suspensive effect. The Travel Document shall be retained for as long as the reasons for its confiscation persist.

CHAPTER III

VISAS

Article 14

Issue of Visas

1. A visa is the approval of transit across the territory of the Republic of Kosovo or entry to the territory of Republic of Kosovo with permission for stay for up to ninety (90) days.

2. A foreigner shall obtain a visa prior to entering the Republic Kosovo.

3. A foreigner shall not engage in paid employment in the Republic of Kosovo on the basis of a visa alone.

4. Visas shall be issued by diplomatic missions and/or consular offices of the Republic Kosovo or other bodies authorized by the government of the Republic of Kosovo.

5. Before the issuance of a visa by a diplomatic mission, consular office or other body authorized by the government of the Republic of Kosovo shall be obliged to obtain the consent of the competent Ministry.

Article 15

Validity of Visas

1. A visa may be issued to a foreigner who possesses a valid travel document.

2. A visa shall be issued for a period of validity which shall not exceed the expiration date of the travel document.

Article 16

Types of Visas

The types of visa shall be:

1. Entry Visa;
2. Transit Visa;
3. Air-Transit Visa;
4. Group Visa.

Article 17

Entry Visa

1. An Entry Visa may be issued for one or more entries to the Republic of Kosovo.
2. An Entry Visa may be issued for any period of time up to one year.
3. The continuous stay of a foreigner in the Republic of Kosovo on the basis of an Entry Visa may not be longer than ninety (90) consecutive days within any period of six (6) months from the date of his/her initial entry.

4. An Entry Visa for a period of up to one year may be issued with the agreement of diplomatic personnel or consular representatives of the Republic of Kosovo.

5. For humanitarian, serious professional or personal reasons, an Entry Visa for one entry and stay of up to fifteen (15) days may be issued by the competent body for the control of border crossings.

Article 18

Transit Visas

1. A Transit Visa may be issued to a foreigner for one or more crossings through the Republic of Kosovo.

2. A Transit Visa may be issued for a period of up to six (6) months.

3. A foreigner may stay in the Republic of Kosovo for no longer than five days on the basis of a Transit Visa.

4. A Transit Visa may only be issued to a foreigner who can establish that he/she will be permitted entry to his/her destination state.

5. For humanitarian, serious professional or personal reasons, a Transit Visa may be issued by the competent body for the control of border crossings.

Article 19

Air-Transit Visas

1. A foreigner shall not be required to obtain an Air-Transit Visa if they do not leave the air transit area while in the Republic of Kosovo.
2. For the reasons enumerated in Article 6.2 of this Law the Republic of Kosovo may require the citizens of designated states to obtain an Air-Transit Visa prior to entering an air transit area in the Republic of Kosovo.
3. A foreigner who is issued with a Transit Visa for one or more crossings through the air transit area may not stay longer than twenty four (24) hours in the transit area of the airport.

Article 20

Group Visas

1. A Group Visa may be issued to a group of five (5) to fifty (50) persons for single entry travel or transit through the territory of the Republic of Kosovo.
2. A Group Visa may be issued to a larger group of people if they are part of a tourist group that enters the Republic of Kosovo on the basis of an international agreement.
3. A group of foreigners may stay in the Republic of Kosovo for no longer than thirty (30) days on the basis of a Group Visa.
4. A Group Visa may be issued by the authority responsible for the control of border crossing if on the assessment of the competent body it is in the interests of the Republic of Kosovo to do so.

Article 21

Procedures for Issue of Visas

The procedures for issue of all categories of visas enumerated in Article 16 of this Law shall be regulated by sub-legal acts.

Article 22

The Extension of Visas

1. A visa shall not be extended.

2. A Entry Visa may be extended for urgent humanitarian, professional or personal reasons.

3. A request for the extension of an Entry Visa pursuant to Article 22 (2) shall be submitted to the competent body who shall determine the request.

Article 23

Non-Issuance of Visas

1. A visa shall not be issued if:
 - 1.1 there exists one of the reasons enumerated in Article 29 of this Law;

 - 1.2 the foreigner does not respond to the summons of a diplomatic mission or consular office.

2. In exception to Article 23(1) of this Law a visa may be issued for humanitarian reasons if it is in the interests of the Republic of Kosovo to do so or it is required by an international agreement.

Article 24

Powers of the Authority Controlling State Border Crossings

1. The competent authority controlling the state border crossings may determine where a foreigner shall enter the Republic of Kosovo.
2. The competent authority controlling the state border crossing may limit the period of validity of a visa if the foreigner in possession of that visa lacks the means for living for the duration of that visa.
3. The competent authority controlling state border crossings shall revoke a visa if one of the reasons enumerated in Article 29 of this Law is fulfilled.
4. The revocation of a visa shall be in the form of a written decision. This decision may be appealed.

Article 25

Duties of Transport Carriers

1. Transport carriers shall only carry a foreigner to a border crossing point if he/she fulfils the conditions for entry in Article 4 of this Law.
2. If a foreigner is refused entry into the Republic of Kosovo the transport carrier which brought him/her to the border must, at the request of the border control authority, return the foreigner to the state from that he/she was brought or to the state that issued the travel document to the foreigner or to any other state that is ready to accept him/her.

3. If the transport carrier can not take the foreigner from the Republic of Kosovo in accordance with Article 25.2 it must immediately and at its own expense find another transport carrier to do so.

4. The transport carrier that brought the foreigner to the state border or into the territory of the Republic of Kosovo contrary to Article 25(1) shall pay for the accommodation and removal of the foreigner.

5. The obligations laid down in this Article shall also apply to the transport carrier who conveys a foreigner to the state border or into the territory of the Republic of Kosovo who is in transit and who has been refused further transport by another transport carrier or who has been refused entry to the destination state and was returned to the Republic of Kosovo.

6. The organizer of travel for the purposes of tourism or work in the Republic of Kosovo shall pay for the accommodation and departure from the Republic of Kosovo if the foreigner is denied entry and/or deported if the foreigner can not pay his/her own costs.

CHAPTER IV

ENTRY AND EXIT OF FOREIGNERS FROM THE STATE

Article 26

Entry into the State

1. A foreigner has entered the Republic of Kosovo when he/she has crossed the state border.

2. The presence of a foreigner in the transit area of the airport or his/her presence at a border crossing point shall not mean that the foreigner has entered the Republic of Kosovo.

Article 27

Border Control

A foreigner who enters and exits the Republic of Kosovo shall be subject to state border control.

Article 28

Entry without a Travel Document

1. If a foreigner seeks to enter the Republic of Kosovo for tourist or business purposes without a valid travel document the competent body for the control of state border crossings may grant him/her permission to cross the state border on the basis of a document which confirms the identity of the foreigner issued by the state of the foreigners citizenship.

2. A foreigner who travels to the Republic of Kosovo by air or water may be allowed entry on the basis of the certified passengers list.

3. The certified passengers list shall contain the name and surname, date of birth, citizenship and number of the travel document for each passenger.

4. Entry permission granted pursuant to this Article may have a validity of up to ninety (90) days.

5. Entry permission shall not be granted pursuant to this Article if one of the reasons enumerated in Article 29 of this Law exists.

Article 29

Prohibition on Entry and Re-Entry

1. Entry to the Republic of Kosovo shall not be permitted to a foreigner if he/she:

1.1 does not fulfil the conditions in Article 4 of this Law;

1.2 does not possess sufficient means for living during his/her stay in the Republic of Kosovo and for travel to another country willing to admit him/her;

1.3. is in transit and does not fulfil the conditions for entry to a third country;

1.4. has a deportation order with a ban on re-entry in force against him/her;

1.5. does not possess a vaccination certificate having come from an area where there is an epidemic of transmittable disease;

1.6 poses a danger to legal order, national security or public health;

1.7. stay may be connected to the commission of a criminal offence(s) prosecuted ex officio on the basis of a grounded suspicion;

1.8. is registered with the competent body as a criminal offender;

2. The decision on deportation may stipulate a ban on re-entry of the foreigner. The ban on re-entry shall be registered in the travel document of the foreigner. The foreigner may request the competent court to limit the timeframe of the ban on re-entry after exiting from the Republic of Kosovo.

3. The Government of the Republic of Kosovo shall determine the means required for living pursuant to paragraph 1.2. of this Article.

Article 30

Illegal Border Crossing

1. An illegal crossing of the state border occurs when a foreigner:

1.1. attempts to cross the state border away from a state border crossing point or at a state border crossing point while it is closed;

1.2. avoids or attempts to avoid border control;

1.3. uses an invalid travel document, the travel document of another person, or any other invalid document during the border crossing;

1.4. provides false data to the authorized officials for control of the state border crossing to facilitate his/her illegal entry;

1.5. enters the Republic of Kosovo while a ban of re-entry is in force against him/her.

Article 31

Time Limit of Stay without a Visa

A foreigner who is not required to obtain a visa for entry to the Republic of Kosovo may stay for no longer than ninety (90) days in a time period of six months from the first day of entry unless this Law or relevant international agreements stipulate otherwise.

Article 32

Departure of Foreigners

1. A foreigner may freely depart from the Republic of Kosovo.

2. Departure from the Republic of Kosovo shall not be permitted if a foreigner:

2.1 presents an invalid travel document, the travel document of another person, or any other invalid document;

2.2 does not fulfil the conditions for entry in to another state;

2.3 is attempting to avoid prosecution for criminal offences, including offences prosecuted ex-officio and minor offences, the execution of a sentence, the execution of a warrant for arrest, an outstanding obligation relating to real property, on the basis of a grounded suspicion;

2.4. has been determined by the competent body in accordance with Law to pose a threat to constitutional order, national security or public health.

3. A foreigner may be permitted to depart from the Republic of Kosovo when the reasons enumerated in paragraph 2 of this Article cease to exist.

4. When a foreigner is denied exit from the Republic of Kosovo on the grounds enumerated in paragraph 2.4 of this Article the competent body shall issue a written decision. The foreigner shall have the right to appeal this decision to the court with territorial competence. The Court shall decide on the matter within seventy-two hours from the moment the appeal is filed and may annul the decision and to order that the foreigner may freely depart the country.

CHAPTER V

STAY OF FOREIGNERS

Article 33

Types of Stay

1. A foreigner may be permitted to stay in the Republic of Kosovo:

1.1. up to ninety (90) days;

1.2. on the basis of a temporary stay;

1.3. on the basis of a permanent stay.

2. A stay of up to ninety (90) days shall mean that a foreigner may stay in the Republic of Kosovo without a visa, with a visa, or on the basis of a border movement permit, unless this Law or relevant international agreements stipulate otherwise.

Article 34

Temporary stay

1. Permission for temporary stay may be issued to a foreigner who:

1.1. intends to stay in the Republic of Kosovo for a longer period of time than is permitted by the conditions of his/her current visa;

1.2.does not require a visa to enter the Republic of Kosovo and intends to stay for longer than ninety (90) days and/or for one of the reasons enumerated in Article 39 of this Law;

1.3.intends to stay in the Republic of Kosovo for longer than thirty (30) days and is engaged in a category of employment specified in legal acts regulating the employment of foreigners in the Republic of Kosovo.

Article 35

Conditions of Temporary Stay

1. The first temporary stay may be granted for up to one year unless the provisions of this Law or international agreements provides otherwise.

2. The permission for a temporary stay shall be noted in the travel document of a foreigner. The travel document shall be valid for at least three months longer than the period of time for which the permission is issued.

3. A foreigner who does not possess a valid travel document the permission for temporary stay is extended by decision of competent body.

Article 36

Requests for Temporary Stay

1. A foreigner may submit a request for his/her first temporary stay to a diplomatic mission, consular office or other body authorised by the government of the Republic of Kosovo;

2. A foreigner who is not required to have a visa for entry to the Republic of Kosovo may submit his/her request for his/her first temporary stay to the competent body;

3. Request for an extension for a temporary stay shall be submitted to the competent body at least thirty (30) days prior to the expiration of his/her temporary stay.

4. The competent body shall decide the outcome of requests made pursuant to paragraphs 1, 2 and 3 of this Article.

5. Requests made pursuant to paragraphs 1, 2, and 3 of this Article shall state the purpose for which the temporary stay is sought.

6. The purpose for which the temporary stay is sought may not be changed by the applicant during the application process.

7. Requests for stay made pursuant to paragraphs 1 and 2 of this Article shall be decided by the competent body with the prior consent of the Ministry responsible for the stated purpose of the foreigner's request.

8. If the Ministry referred to in paragraph 7 of this Article fails to inform the competent body of its response to the request within ten (10) days its consent shall be assumed.

Article 37

Purpose of Temporary Stay

1. The purpose of a temporary stay may be:

1.1.employment;

1.2.education and/or research;

1.3.family reunification and;

1.4.other reasonable purposes as provided for by Law or international agreements.

Article 38

Application for Temporary Stay

1. The foreigner may be permitted temporary stay if he/she:

1.1 possesses sufficient means for living;

1.2 has access to appropriate housing;

1.3 has health insurance,

1.4 his stay is not in violation of Article 46 of this Law;

1.5 has presented reasonable arguments for a temporary stay.

2. If the application for temporary stay is made pursuant to an application for family reunification, the elements enumerated in paragraph 1 of this Article may also be shown by sponsor.

3. A foreigner shall present a record of any criminal convictions simultaneously with the request for his/her first temporary stay which also confirms that he/she is not awaiting sentence pursuant to a criminal conviction in the state where he/she habitually resides.

4. An applicant whose request for a temporary stay is refused may file an appeal within eight working days of receiving the decision.

5. The competent body shall determine the appeal referred to in paragraph 3.

Article 39

Purposes of Temporary Stay

1. A foreigner whose request for a temporary stay has been granted for a stated purpose may stay in the Republic of Kosovo only in accordance with the purpose for which the stay is issued.

2. A foreigner whose request for a temporary stay has been granted for a stated purpose and intends to stay in the Republic of Kosovo for more than thirty (30) days, except for those in receipt of a temporary stay for the purpose of seasonal work or work in a category of employment specified in legal acts regulating the employment of foreigners in the Republic of Kosovo. Foreigners may also submit request for permission on other grounds.

Article 40

Temporary Stay for Employment

1. A temporary stay for employment may be granted to a foreigner:

1.1 possession of a work permit;

1.2 who does not require a work permit but intends to stay in the Republic of Kosovo for longer than thirty (30) days and fulfils the conditions for employment provided for by this Law.

2. Permission for temporary stay for employment purposes shall be issued to a foreigner for the same period of validity for which he/she has been issued an employment permit.

3. The competent body shall grant the request for temporary stay for employment purposes according to the address of the foreigner.

Article 41

Regulation of the Employment of Foreigners

The employment of foreigners in the Republic of Kosovo shall be regulated by a specific legal act.

Article 42

Temporary Stay for Purposes of Education

1. Applications for temporary stay for purposes of education, voluntary service or unremunerated training shall include a certificate from the legitimate receiving institution in the Republic of Kosovo certifying compliance with the conditions in Article 38 of this Law.

2. Permission for temporary stay for educational purposes may be extended for no longer than two years after the conclusion of the foreigners course of study

Article 43

Temporary Stay for Purposes of Family Re-Unification

1. Applications for temporary stay for the purpose of family re-unification may be submitted by a close family member of a citizen of the Republic of Kosovo, a foreigner granted permanent or

temporary stay in the Republic of Kosovo, or a foreigner granted asylum in the Republic of Kosovo.

2. Close family members are spouses, juvenile children who have not yet established their own families and parents of juvenile children. A close family member may also be other relatives and adoptees or adopters if special personal or humanitarian reasons exist for family re-unification in the Republic of Kosovo.

3. A foreigner in the Republic of Kosovo on the basis of a temporary stay for the purpose of family re-unification may not accept employment.

Article 44

Extension of Temporary Stay for Purposes of Family Re-Unification

1. A foreigner who is a close family member of a citizen of the Republic of Kosovo may apply to extend the validity of his/her temporary stay for up to three years or until the conditions for permanent stay are fulfilled.

2. A foreigner who is a close family member of a citizen of the Republic of Kosovo may apply to extend the validity of his/her temporary stay when the sponsor of his/her application for temporary stay for purposes of family re-unification has died or where their marriage, which has lasted for at least three years in the Republic of Kosovo, has ended.

Article 45

Temporary Stay for New Born Children

1. A child born in the territory of the Republic of Kosovo who is not a citizen of the Republic of Kosovo is not required to hold permission for stay until he/she is one month old.

2. After one month a temporary stay shall be issued to the child ex officio valid for the same period as the temporary stay of one of his/her parents or guardians.

Article 46

Revocation of Temporary Stay

1. The competent body may revoke the stay a foreigner who stays in the Republic of Kosovo up to ninety (90) days and/or is granted a temporary stay if:

1.1 it finds one of the reasons stated in Article 29 of this Law;

1.2 he/she works in the Republic of Kosovo without a valid work permit contrary to the provisions of this Law;

1.3 he/she stays in the Republic of Kosovo contrary to the purpose that the temporary stay is issued;

1.4 he/she threatens public order or democratic values protected by Law.

2. When revoking a stay the competent body shall consider the time required by a foreigner to fulfil his/her obligations when determining the final date for his/her departure from the Republic of Kosovo. The period of time between the revocation of the stay and his/her final date of departure shall be no longer than thirty (30) days.

3. When revoking a stay the competent body shall consider the time period of the stay and the personal, family, economic and other circumstances of a foreigner.

4. Revocation of the stay shall be noted in the foreigner's travel document.

Article 47

Execution of Revocation of Temporary Stay

The competent body shall revoke the stay of a foreigner, who stays in the Republic of Kosovo up to ninety (90) days and/or is granted a temporary stay and execute revocation immediately, if:

1. a deportation order, with or without a ban on re-entry, has been pronounced against the foreigner;
2. his/her temporary stay has been annulled;
3. the validity of the temporary stay has expired;

Article 48

Permanent Stay

1. Permanent stay may be permitted to a foreigner who:

1.1. has remained in the territory of the Republic of Kosovo for four (4) consecutive years pursuant to a grant of temporary stay.

1.2. has been married to the same citizen of the Republic of Kosovo, or to a foreigner with permanent stay in the Republic of Kosovo, for three (3) consecutive years.

2. A juvenile with temporary stay may be permitted permanent stay in the Republic of Kosovo with the consent of both parents if one of his/her parents or guardians is a foreigner with permanent stay in the Republic of Kosovo.

3. A foreigner with temporary stay may be granted permanent stay for humanitarian reasons or if it is in the interests of the Republic of Kosovo to do so.

4. The Competent body shall determine grants of permanent stay pursuant to paragraph 3 of this Article.

5. Any time for which a foreigner has been imprisoned shall not count against the time required for permanent stay, except when the foreigner is finally acquitted or the final conviction is annulled.

Article 49

Application for Permanent Stay

1. A request for permanent stay shall be submitted to the competent body in the place of residence of the foreigner.

2. An administrative appeal shall not be permitted against a decision of the competent body in respect to permanent stay. This shall not prevent a foreigner from seeking judicial review of such a decision.

3. Permission for permanent stay shall be noted in the travel document of the foreigner.

Article 50

Refusal of Permanent Stay

1. Permanent stay shall not be permitted if a foreigner:

1.1 was sentenced for a criminal offence inside or outside the territory of the Republic of Kosovo;

1.2 does not possess sufficient means for living;

1.3 does not have access to appropriate housing;

1.4 does not have health insurance;

1.5 poses a danger to legal order, national security, or public health.

2. A criminal offence pursuant to paragraph 1.1. of this Article shall not include:

2.1. a criminal conviction punished with a fine or up to 6 months imprisonment or if released on parole;

2.2 a criminal conviction of a foreign court if the offence is not considered a criminal offence in the Republic of Kosovo or if the sentence was issued pursuant to a process which is in violation of European criminal law standards, and in particular the European Convention on Human Rights and Fundamental Freedoms, and;

2.3 a criminal conviction which has been legitimately expunged from the criminal record.

Article 51

Revocation of Permanent Stay

1. The competent body may revoke the permanent stay of a foreigner if:

1.1 he/she is convicted of a criminal offence with a final sentence of six (6) months or more;

1.2 if he/she poses a danger to constitutional order, national security or public health.

2. When revoking a stay the competent body shall consider the time required by a foreigner to fulfil his/her obligations when determining the final date for his/her departure from the Republic of Kosovo. The period of time between the revocation of the stay and his/her final date of departure shall be no longer than thirty (30) days.

3. When revoking a stay the competent body shall consider the time period of the stay and the personal, family, economic and other circumstances of a foreigner.

4. Revocation of the stay shall be noted in the travel document of the foreigner.

Article 52

Execution of Revocation of Permanent Stay

1. The competent body shall revoke the stay of a foreigner who is granted a permanent stay and execute revocation immediately if:

1.1 a deportation order, with or without a ban on re-entry, has been pronounced against the foreigner;

1.2 a competent body determines that the foreigner is uninterruptedly residing outside of the territory of the Republic of Kosovo for duration of time more than six months and the foreigner has not notified the competent body;

1.1 his/her temporary stay has been annulled.

2. The competent body shall determine permanent stay pursuant to paragraph 1.2. of this Article.

3. The competent body may issue a decision without hearing from the foreigner.

CHAPTER VI

ILLEGAL STAY

Article 53

Illegal Stay

1. A foreigner shall be considered to be staying illegally in the Republic of Kosovo if he/she does not possess a visa or permission to stay pursuant to Article 4 of this Law.

2. A foreigner who is found to be staying illegally in the Republic of Kosovo shall leave the territory of the Republic of Kosovo immediately or shall be assigned a specific period of time in which to leave the country.

3. A foreigner has left the Republic of Kosovo when he/she crosses the state border.

4. A foreigner who has requested an extension to his/her temporary stay in a timely manner may stay in the Republic of Kosovo until his/her request is finally determined.

Article 54

Rejection and Holding at the State Border

A foreigner may be denied entry at the border for reasons of public security. To ensure his/her departure from the territory of the Republic of Kosovo the foreigner may be held in the premises of the competent body for no longer than twelve (12) hours.

Article 55

Order to Leave

1. When a foreigner is found to be staying illegally in the Republic of Kosovo the competent body shall order him/her to leave and state a specific time by which he/she is obliged to leave the territory of the Republic of Kosovo, the state border crossing where he/she shall cross out of the country and make clear his/her obligation to report to the authorized body for the control of the state border crossing upon his/her departure from the territory of the Republic of Kosovo.

2. When deciding on a specific period of time for the departure of a foreigner the competent body shall consider the time required to prepare for his/her departure and in no circumstances shall this be longer than thirty (30) days.

3. An appeal against an order to leave shall not suspend the execution of that order.

4. The period of time for departure from the Republic of Kosovo shall run from the day of delivery of the order to leave.

5. A foreigner who has not left the Republic of Kosovo within the time period assigned by the order to leave may be assigned another date of departure upon his/her request or on the initiative of the competent body.

Article 56

Circumstances Taken Into Account When Making an Order to Leave

1. When deciding whether to order a foreigner to leave the Republic of Kosovo the competent body shall take into account the duration of his/her stay and the personal, family, economic conditions of the foreigner and other circumstances.

2. An order to leave shall be recorded in the travel document of the foreigner.

Article 57

Duties of Other State Entities

1. All state entities shall inform the competent body without delay as to the illegal stay of foreigners in the Republic of Kosovo.

2. A state entity that has initiated proceedings with respect to either a minor offence prosecuted ex-officio, or a criminal offence prosecuted ex-officio, against a foreigner shall inform the competent body without delay. .

CHAPTER VII

DEPORTATION OF FOREIGNERS

Article 58

Execution of Deportation

1. A foreigner may be deported, with or without a ban on re-entry, by order of the competent court if he/she fails to comply with an order to leave made by the competent body pursuant to Article 55 paragraph 1.

2. The competent body shall execute a decision of the competent court to deport a foreigner who illegally stays in the Republic of Kosovo and does not leave the Republic of Kosovo pursuant to Article 55 paragraph 1 of this Law.

3. Foreigner against whom has been made a deportation order, with or without a ban on re-entry, shall be compulsorily and immediately removed from the territory of the Republic of Kosovo. A foreigner removed pursuant to an international agreement shall be removed in the same manner as a foreigner against which a deportation order has been made.

Article 59

Non-Return of Foreigners under Threat

1. A foreigner shall not be expelled or returned in any manner whatsoever to the frontier of territories where his/her life or freedom would be threatened on account of his/her race, religion, nationality, membership of a particular social group or political opinion.

2. The benefits of Article 59(1) may not, however, be claimed by a foreigner whom there are reasonable grounds for regarding as a danger to the security of the country in which he/she is or, who, having been convicted by a final judgment of a particularly serious crime, constitutes a continuing danger to the community of that country.

3. A person shall not be expelled or returned in any manner whatsoever to another state where there are substantial grounds for believing that he/she would be in danger of being subjected to torture or inhuman and/or degrading treatment.

Article 60

Holding and Detention of Foreigners

1. A foreigner may be denied entry at the border for reasons of public security. To ensure his/her removal from the territory of the Republic of Kosovo the foreigner may be held in the premises of the competent body for no longer than twelve (12) hours.

2. A foreigner whose identity can not be verified and/or lacks a valid visa, permission for stay, or can not be deported consistent with a prior deportation order, may be detained. A foreigner detained pursuant to this Article shall be detained in the Reception Centre for Foreigners of the competent body ("Centre").

3. A foreigner who for health reasons or due to other special needs or reasons can not be accommodated at the Centre may be placed in alternative accommodation of an appropriate standard.

4. Men and women hosted in the Centre and in other places pursuant to the provisions of this Law shall be kept in separate spaces. Persons under the age of eighteen (18) years old shall be held separately from adults except for close family members who shall be accommodated together. Children shall receive all the necessary assistance required by their age and shall be treated in accordance with the provisions and principles of the Convention on the Rights of the Child of 1989.

5. Members of the International Committee of the Red Cross, of the United Nations High Commissioner for Refugees and of the European Committee for the Prevention of Torture, shall have unhindered access, which shall not be subject to any form of authorization, to the Centre and to other places where any persons are kept pursuant to the provisions of this Law and of any other laws that implement the provisions of this law.

6. The competent body shall be responsible for the implementation of this Article.

Article 61

Detention of Foreigners

1. The foreigner may be initially detained in the Centre until he/she is deported for up to ninety (90) days.

2. After the expiration of the initial ninety day period a foreigner may be kept at, or returned to, the Centre at the request of the competent body for a further ninety days on the decision of the competent court if:

2.1. the procedure for the determination of his/her identity or a request for his/her personal documents is in process;

2.2. this is required for security reasons;

3. In no circumstances may a foreigner be detained for longer than one hundred eighty (180) days at the Centre.

4. A foreigner may be released at any time from the Centre on a decision of a competent court if there are no reasonable prospects for his/her deportation.

Article 62

Conditions of Detention of Foreigners

1. While detained at the Centre the foreigner shall obey the rules of the Centre and may not leave without permission.

2. Where there are reasonable grounds to believe that a foreigner will refuse to obey the rules of the Centre and/or may attempt to leave the Centre without permission he/she may be detained under conditions of enhanced supervision.

Article 63

Decision on the Detention of Foreigners

1. Detention in the Centre shall be assigned by a written decision of the competent court.
2. Appeal shall not stop the execution of the decision on detention.

Article 64

Expiry of the Detention of the Foreigner

1. The detention of a foreigner shall cease:
 - 1.1 on the departure of the foreigner from the country;
 - 1.2 with the affluxion of time pursuant to Article 61 of this Law;
 - 1.3 at any time on the decision of the competent court.

Article 65

Temporary Presence of Foreigners

1. A foreigner may remain in the Republic of Kosovo on Temporary Presence if he/she can not be deported.

2. The competent body may issue and extend permits for Temporary Presence up to six months on the basis of a request from the foreigner or ex officio by the competent body.

Article 66

Restriction of a Foreigner with Temporary Presence

1. The competent body may order that a foreigner with Temporary Presence in the Republic of Kosovo shall be restricted in his/her movements to a specific Municipality or to a specifically defined geographic area within it and may be required to report on a periodic basis to his/her nearest police station. The movement restriction and mandatory reporting requirement may last up to six (6) months.

2. A foreigner with Temporary Presence in the Republic of Kosovo shall be assigned an address of residence by the competent body.

3. The grant of Temporary Presence to a foreigner shall not affect the obligation of the foreigner to leave the Republic of Kosovo.

4. A grant of Temporary Presence shall be recorded in the travel document of the foreigner. A foreigner who does not possess a travel document shall be issued a document with a photo.

Article 67

Termination of Temporary Presence

1. A grant of Temporary Presence in the Republic of Kosovo shall be terminated by the:

1.1. departure of the foreigner from the state;

1.2. expiration of the grant of temporary presence;

1.3. Annulment of the grant of temporary presence.

2. A grant of Temporary Presence may be annulled if:

2.1. the conditions on which the original grants of temporary presence was made no longer persist;

2.2. the foreigner breach restrictions imposed pursuant to Article 66.

Article 68

Detention of Juvenile Foreigners

1. A juvenile foreigner shall be placed in the Centre together with his/her close family and/or guardian. Exceptionally a juvenile may be placed in alternative accommodation if this would be more appropriate.

2. A foreign juvenile younger than sixteen (16) years of age may only be assigned conditions of enhanced supervision within the Centre in reasonable circumstances and if his/her close family member or guardian is in the Centre with his/her.

Article 69

Payment of Expenses Related to Detention

1. A foreigner shall pay any expenses associated with his/her detention at the Centre and/or deportation.

2. Expenses associated with the detention or deportation of a foreigner without financial means shall be paid by the last employer who has employed the foreigner in the Republic of Kosovo without appropriate permission and/or a person obliged to pay the expenses of the foreigner during his/her stay in the Republic of Kosovo within four (4) years of his/her entry to the Republic of Kosovo. Expenses associated with the detention or deportation of a foreigner without financial means shall be paid within three (3) months of the decision of the competent court.

3. Expenses which can not be paid pursuant to paragraphs 1 and 2 of this Article shall be paid by the competent body.

Article 70

Confiscation of Assets

1. The competent body may confiscate the assets of a foreigner to pay expenses incurred pursuant to Article 69 paragraph 1 of this Law. The process of confiscation must not leave the foreigner without the means for his/her basic maintenance.

2. A receipt shall be issued for the assets confiscated.

3. To ensure deportation the competent body may temporarily seize travel documents, travel tickets and/or any other documents. A receipt shall be issued for all documents.

CHAPTER VIII

DOCUMENTS FOR THE VERIFICATION OF IDENTITY

Article 71

Proof of Foreigner's Identity

1. A foreigner may prove his/her identity with a travel document, an identity card for foreigners, a special identity card or any other document containing a photograph of the foreigner.
2. A foreigner shall carry one of identity documents enumerated in paragraph 1 of this Article. Upon the request of an authorized official the foreigner shall produce for inspection documents by which his/her identity and the legality of his/her stay in the Republic of Kosovo may be verified.
3. A foreigner may not give his/her travel or identity document away for use by another person. A foreigner may not use an invalid travel or identity document or represent the travel or identity document of another person as their own.
4. A foreigner shall use the personal name recorded in any document enumerated in paragraph 1 of this Article.

Article 72

Identity Cards for Foreigners

1. An identity card for foreigners shall be issued to a foreigner that is granted permanent or temporary stay in the Republic of Kosovo.

2. A foreigner that is a member of a diplomatic mission or consular office of a foreign state, or a member of any other mission that enjoys diplomatic status in the Republic of Kosovo, shall be issued a special identity card.

Article 73

Issue of Identity Cards

The identity cards enumerated in paragraphs 1 and 2 of Article 72 of this Law shall be issued by the competent body.

Article 74

Validity of Identity Cards

1. An identity card for a foreigner granted permanent stay shall be issued with a validity of five (5) years.

2. An identity card for a foreigner granted temporary stay shall be issued with validity in accordance with the time of his/her permitted temporary stay.

Article 75

Requests for Identity Card

1. A request for an identity card for a foreigner may be submitted by any foreigner of sixteen (16) years of age or over.

2. A foreigner granted permanent stay shall submit a request for an identity card for foreigners within thirty (30) days of entering into his/her permanent residence.

Article 76

Change of Identity Card

1. A foreigner shall change his/her identity card for foreigners if:

1.1. the information on the identity card has changed or when the identity card has been become damaged to the extent that his/her identity can not be determined;

1.2. when the photo on the identity card no longer represents the appearance of the foreigner.

2. A foreigner shall request a new identity card for foreigners from the competent body within eight days of an occurrence enumerated in the paragraph 1 of this Article.

Article 77

Return of Identity Card for Foreigners

1. A foreigner shall return his/her identity card for foreigners to the competent body if:

1.1 the residence of the foreigner changes;

1.2 his/her stay is revoked pursuant to Articles 46 and/or 51 of this Law;

1.3 he/she obtains the citizenship of the Republic of Kosovo.

Article 78

Loss of Identity Documents

1. A foreigner shall immediately inform the competent body following the loss or theft of a document enumerated in Article 72 of this Law.

2. The competent body shall issue a certificate explaining the circumstances of the loss or theft referred to in paragraph 1 of this Article.

3. A foreigner who has lost his/her travel document outside the Republic of Kosovo and/or has remained outside of the Republic of Kosovo without a travel document or identity card for foreigners shall immediately inform the nearest diplomatic mission or consular office of the Republic of Kosovo.

Article 79

Retention of Documents

1. The competent body may temporarily retain the document of a foreigner if:
 - 1.1. it is necessary for the verification of a foreigner's identity;

 - 1.2. there exists reasonable suspicion that he/she has committed a criminal offence or the retention of the document is otherwise authorised by the competent court;

 - 1.3. he/she has failed to fulfil civil obligations pursuant to real property as ordered by the competent court;

1.4. this is required to protect the constitutional order, national security or for reasons of public health.

2. A document referred to in paragraph 1 of this Article shall be retained until the reasons for its retention are no longer in existence.

3. A receipt shall be issued whenever the document of a foreigner is retained by the competent body.

4. The affected foreigner shall have the right to appeal the decision of the competent body to retain his/her document to the territorially competent court.

CHAPTER IX

STAY AND RESIDENCE OF FOREIGNERS

Article 80

Place of Residence

1. A temporary residence shall be the place where a foreigner resides for up to ninety (90) days.

2. A residence shall be the place where a foreigner granted permanent stay resides with the intention to live there permanently.

Article 81

Change to Address of Residence

1. A foreigner who has been granted temporary stay in the Republic of Kosovo shall notify the competent body of his/her place of residence and change of address of residence within three days from the day of his/her entry to the territory of the Republic of Kosovo or from the date of his/her change of address of residence.

2. A foreigner who has been granted a permanent stay in the Republic of Kosovo shall notify competent body his/her place of residence and change of residence within eight days from the day of his/her change of address of residence.

3. A foreigner referred to in paragraphs 1 and 2 of this Article shall de-register his/her residence or temporary residence on his/her final departure from the Republic of Kosovo.

Article 82

Notification of Accommodation

1. Health institutions or health workers in private medical practice who admit a foreigner for treatment shall notify the competent body within twenty four (24) hours of his/her admission.

2. Legal and natural persons who provide accommodation to foreigners, including private citizens that host foreigners visiting the Republic of Kosovo, shall notify the competent body within twelve (12) hours of their reception of the foreigner.

3. A foreigner not in a form of accommodation referred to paragraph 2 of this Article shall notify the competent body within twenty four (24) hours of their place of accommodation.

4. The provider of accommodation referred to in paragraph 2 and 3 of this Article shall notify the competent body of the reception of a foreigner.

5. The provider of accommodation shall notify the competent body within twelve (12) hours of the reception of a foreigner to a place of a temporary residence.

6. The provisions found in paragraphs 1 to 4 of this Article shall only apply to foreigners who stay in the Republic of Kosovo for up to ninety (90) days.

Article 83

Register of Foreigners

1. Legal and natural persons that provide accommodation to foreigners shall maintain a register of foreigners' accommodated.

2. Registers of foreigners shall be maintained by the persons referred to in paragraph 1 of this Article for at least three years.

3. Persons referred to in paragraph 1 of this Article shall present the register for inspection on the official request of an authorized official of the competent body.

CHAPTER X

COLLECTION OF PERSONAL DATA

Article 84

Collection and Storage of Personal Data

1. The competent body may record the personal data of a foreigner, from state bodies, legal and natural persons, and the foreigner if:

1.1. it is in the interest of the foreigner to do so and it can be assumed that he/she will not object or;

1.2. it is required for the verification of information with respect to the foreigner.

2. The data recorded shall be maintained in accordance with the Law on the Protection of Personal Data.

CHAPTER XI

MOVEMENT OF FOREIGNERS WEARING UNIFORM

Article 85

Wearing of Foreign Military Uniforms

1. During his/her stay in the Republic of Kosovo a foreigner may wear a foreign military uniform in public if:

1.1. he/she is staying in the Republic of Kosovo as a member of a diplomatic mission or consular office of a foreign state or any other mission that enjoys diplomatic status in the Republic of Kosovo in the capacity of a military adviser or representative;

1.2. he/she is a member of a foreign military mission or delegation in the Republic of Kosovo on an official visit;

1.3. he/she is attending an educational programme at a military school or institution.

1.4. he/she is in transit in the Republic of Kosovo as a member of a foreign military mission or delegation with official or diplomatic passports;

1.5. he/she is participating in a military exercise or training.

2. The Ministry for the Kosovo Security Force in agreement with the Ministry of Internal Affairs may permit other foreigners to wear foreign military uniforms during his/her stay in the Republic of Kosovo.

Article 86

Wearing of Foreign Police Uniforms

1. A foreigner may wear a foreign police or customs service uniform if:

1.1 he/she is a member of a foreign police or customs service in the Republic of Kosovo on an official visit;

1.2 he/she is engaged in the common control of a state border crossing within the territory of the Republic of Kosovo;

1.3 he/she is attending an educational programme at a police school or institution;

1.4 he/she is in transit in the Republic of Kosovo as a member of a foreign police, customs mission or delegation with official or diplomatic passports;

CHAPTER XII

SUPERVISION

Article 87

Supervision and Inspection of this Law

1. The application of this Law shall be supervised by the Ministry of Internal Affairs.
2. The application of those provisions of this Law relating to the work of foreigners in the Republic of Kosovo shall be inspected and supervised by the competent body of the relevant Ministry.

CHAPTER XIII

EVIDENCE

Article 88

Storage of Personal Data

1. All personal data collected in the course of applying this Law together with paper and/or electronic copies of all documents issued pursuant to this Law shall be maintained in the records of the responsible bodies.
2. Personal data obtained by the competent body in the course of applying this Law shall be maintained, used and processed in accordance with the provisions of the Law in force on Personal Data Protection.

CHAPTER XIV

TRANSITIONAL AND FINAL PROVISIONS

Article 89

Considerations for Entry and Stay

1. When deciding on the entry and/or stay of foreigners the authorities shall have regard to inter alia:

1.1. the severity or type of offence against public policy or public security committed by a foreigner or his/her family member(s) or the danger that emanates from the person(s) concerned.

1.2. the nature and solidity of the person(s) 's family relationships and the duration of his/her residence in the Republic of Kosovo and of the existence of family, cultural and social ties with his/her country of origin.

2. The decision to remove a long-term resident shall not be made solely on the basis of economic considerations. The decision to remove a long-term resident the authorities shall have regard to inter alia:

2.1. the duration of his/her residence in the Republic of Kosovo;

2.2. the age of the person(s) concerned;

2.3. the consequences for the person(s) concerned and family member(s);

2.4. links with the Republic of Kosovo or the absence of links with his/her country of origin.

Article 90

Official Notification

If a foreigner does not inform the competent body of his/her change of address or if the foreigner can not be notified at his/her official address a decision of the competent body shall be published by official announcement and shall be deemed to have been received by the foreigner when so published.

Article 91

The Rights of Asylum Seekers

1. The rights of a foreigner who requests, or might reasonably be expected to request, any form of protection provided for in Articles 4 or 55 of the Kosovo Law on Asylum shall always be determined in accordance with the provisions of that Law.

2. Nothing in this Law shall be interpreted as derogating from the obligations of the state with respect to the 1951 Convention Relating to the Status of Refugees as amended by the 1967 Protocol Relating to the Status of Refugees.

Article 92

Subsidiary Legal Acts of the Ministry of Internal Affairs

1. The Ministry of Internal Affairs shall issue subsidiary legal acts for:

1.1 the form and procedures of applying for travel documents, visas, temporary and permanent stay, the registration and de-registration of residences and temporary residences, and the manner of maintaining records with respect to the personal data of foreigners;

1.2 the form of travel documents, visas, border transit permit, identity cards for foreigners, permissions for temporary and permanent stay, forms for deportation and the interruption of stay,

documents relating to the temporary holding or detention of foreigners, receipts for confiscated assets, payment of expenses relating to deportation, the seizure of documents;

1.3 the procedures and requirements for the storage of data pursuant to this Law;

1.4 the deportation, detention at the Centre and the temporary stay of foreigners;

Article 93

Subsidiary Legal Acts of the Ministry of Internal Affairs and the Ministry of Foreign Affairs

1. The Ministry of Foreign Affairs, in agreement with the Ministry of Internal Affairs, shall issue subsidiary legal acts for:

1.1 the issue of travel documents and/or visas to foreigners from the diplomatic missions and consular offices of the Republic of Kosovo abroad;

1.2. the form and procedures for the storage of personal data obtained in the course of processing applications for travel documents and/or visas and paper and/or electronic copies of those travel documents and/or visas by the diplomatic missions and consular offices of the Republic of Kosovo abroad;

1.3.the forms and procedures for the issue of visas, special identity cards and the requirements and procedures for the storage of personal data obtained in the course of processing applications for visas and/or identity cards and the fees associated with those applications.

Article 94

Validity of UNMIK Documents

Documents issued on the basis of the provisions of UNMIK Regulation No. 2005/16 on the Movement of Persons Into and Out of Kosovo and Administrative Directive 2005/08 are valid for the time frame issued but for no longer than one year from the day of entering into force of this Law.

Article 95

Fines

1. Responsible bodies shall impose sanctions on natural and legal persons violating provisions of this law.
2. The nature and amount of financial sanctions shall be determined by subsidiary legal acts from competent body immediately after this law enters into force.

Article 96

Sub-Legal Acts

The Minister for Internal Affairs shall issue sub-legal acts required for the implementation of this law.

Article 97

Repeal of Inconsistent Acts

With entrance into force of this law all legal provisions which are inconsistent with this law are repealed.

Article 98

Entry into force

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

Law No. 03/L-126

16 December 2008

Promulgated by the Decree No. DL-069-2008, dated 30.12.2008, of the President of Republic of Kosovo, Dr. Fatmir Sejdiu.