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Draft Law: “On Foreigners”

Newsletter

Draft Law No. 08/L-296 “On Foreigners”

On March 15, 2024, the Government of Kosovo proposed to the Assembly the draft law no. 08/L-296 “On Foreigners” (the **Draft Law**).

The Draft Law aims to enhance the legislative framework regarding migration in the Republic of Kosovo by aligning it with the standards set forth by the EU *acquis*.

The proposed Draft Law defines various types of residence permits and outlines the corresponding procedures necessary for their acquisition. It also introduces new definitions, concepts, and obligations applicable to both foreigners and employers engaging foreign employees in Kosovo.

Residence Permits and Visas

The Draft Law categorizes visa types into four classifications:

“A” *type transit visa* - allows foreigners to stay in the international transit area of the airport until their departure.

“B” *type transit visa* - a land visa permits a foreigner to enter and transit through the territory of the Republic of Kosovo. Foreigners holding a “B” type visa must exit the territory of the Republic of Kosovo within four hours after entering the border crossing point, or within six months if they possess a multiple-entry land transit visa.

“C” *type entry visa* – permits a foreigner to enter and stay in the territory of the Republic of Kosovo for no longer than 90 (ninety) days within any period of 180 (one hundred and eighty) days. This visa category may be issued for single or multiple entries, each with varying periods of validity.

“D” *type entry visa* – permits a foreigner to enter and stay in the territory of the Republic of Kosovo

for more than 90 (ninety) days within 180 (one hundred and eighty) days. Foreigners seeking to obtain a residence permit must first obtain a visa of this type.

Moreover, foreigners can obtain temporary residence permits by demonstrating the purpose of their stay, possessing valid travel documents, having adequate financial resources, and providing evidence of no criminal convictions.

Employment Regulation

The Draft Law outlines criteria for short-term work permits for foreigners, including agreements between two companies, evidence of company registration, proof of education, and possession of a residence permit.

Furthermore, the Draft Law introduces the ‘*Blue Card*’, a temporary residence permit tailored for highly qualified foreigners with academic qualifications. Its purpose is to streamline procedures, enhance the legal status of these individuals, and offer them additional facilitations for entry and employment within the Republic of Kosovo.

According to the Draft Law, the annual quota for the employment of foreign nationals is established in alignment with migration policy, labor market dynamics, and the available opportunities for foreign employment within the Republic of Kosovo.

Deportation

The Draft Law incorporates the principle of non-refoulement, whereby the Republic of Kosovo is prohibited from deporting or returning a refugee to territories where their life may be endangered due to factors such as race, religion, or political beliefs.

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