



Republika e Kosovës
Republika Kosovo-Republic of Kosovo
Kuvendi - Skupština - Assembly

Law No. 03/L-136

**ON GRANTING PERMIT FOR WORK AND EMPLOYMENT OF FOREIGN
CITIZENS IN REPUBLIC OF KOSOVO**

Assembly of Republic of Kosovo,

In support of Article 65 (1) of Constitution of the Republic of Kosovo,

Considering provisions of Article 41 of The Law on Foreign Citizens;

With the aim to set up and apply legal provisions on granting permit for work and employment of Foreign Citizens in the Republic of Kosovo;

Adopts:

**LAW ON GRANTING PERMIT FOR WORK AND EMPLOYMENT OF
FOREIGN CITIZENS IN REPUBLIC OF KOSOVO**

Article 1

Purpose

1. The Law regulates employment manner, conditions and procedures of granting permit for foreign citizens in the Republic of Kosovo, according to conditions drawn by the Law, International Employment Conventions and Bilateral Agreements.

Article 2

Scope

This Law sets rules for employment of Foreign Citizens in the Republic of Kosovo.

Article 3

Definitions

1. In enforcement of the law, used terms have the following meanings:

“**A foreigner citizen**” is any person, who is not a citizen of Republic of Kosovo;

“**Work permit**” is an official document issued by a competent body to a foreign citizen, with the aim of business, employment or self-employment activity;

“**Emigration**” is the movement of a person or group of persons from the territory of the Republic of Kosovo to another country, in accordance with law and sub-legal acts that regulate movement from the country of origin, traveling, transition pass, entry and stay at the hosting country.

“**Immigration**” is the movement of a person or a group of persons who enter in the territory of Republic of Kosovo from another country, in accordance with laws and sub-legal acts.

“**Stay permit**” is a document issued to a foreign citizen that allows the person to stay in the territory of Republic of Kosovo;

“**Asylum**” is the protection that Kosovo offers to refugees. Asylum includes the right to reside in the Republic of Kosovo, as well other rights and obligations as provided for in this law.

“**Seasonal Work**” is the job relationship in appointed time which can be prolonged three (3) until nine (9) months.

Article 4

Policies for granting work permit for foreign citizens

1. Government of the Republic of Kosovo according to the policies on migration, stay and labor market mobility, at the end of each year for the coming year, sets the number of employment permits for foreign persons, in accordance with the employment opportunities of foreign persons in our country.

2. The number of employment permits of foreign citizens in the Republic of Kosovo is proposed by the Ministry of Labor and Social Welfare.

3. The number of employment permits for foreign citizens shall be at latest, on 15th December of the present year for the next year.

Article 5

Employment Permit

1. Natural persons, who are not citizens of Kosovo, when willing to work in the territory of Republic of Kosovo for a timeframe of less than three (3) months, shall be granted the employment permit issued by the Ministry of Labor and Social Welfare.

2. If a legal person meets the conditions and criteria of this and other laws applicable in the Republic of Kosovo, must be granted the work permit issued by the Ministry of Labor and Social Welfare

Article 6

The types of Work Permit

1. The types of work permit can be:

1.1. the work permit of type A issued for foreign citizens not less than six (6) month ;

1.2. the work permit of type B issued for foreign citizens to work in a appointed profession, in a definite geographical zone, to an appointed employer ;

1.3. the work permit of type B go for a yearly period ;

1.4. this work permit type can be renovated for a yearly period, when the main circumstances have not changed for donation of previous work permit ;

1.5. the work permit of type C issued for the resident foreigners in Republic of Kosovo, who take the work permit of type B, that the total validity get hold minimum three (3) years of period of time, during a continuous period of inhabitation. Work Permit of type C can be given to the foreign citizens to work in every activity and in whole territory of Republic of Kosovo, without limitation in appointed employer. This work permit type can utilize for a five (5) year period of time.

1.6. the work permit of type D (self-employment permit) is given for the self-employed foreign citizens, by limiting their activity in a definite geographical zone. The duration of this work permit is one (1) year with right of renovation;

1.7. the work permit of type E (self-employment permit) is given for the self-employed foreign citizens for every activity and without geographical limitation, that have take work permit of consecutive of type, which the validity have the minimal date of three (3) year. This work permit is valid within timeframe of five (5) years;

1.8. the work permit of type F (for Students) is given to foreign persons who study in Kosovo for Educational year in continuation. This work permit is given only for half-time during the educational year and with full time of work during the recessional between Academic year or Semesters;

1.9. the work permit of type G is given to foreigner citizens who invest in Republic of Kosovo and employ not less than two (2) Kosovo citizens per every foreign citizens employee. The date of this permit is one (1) year with right of renovation.

1.10. the work permit of type H is given to foreign citizens who have been equipped with consecutive permit of type G, where the validity have the minimal three (3) year period of time. The work permit of type H is given for the timeframe of five (5) years.

Article 7

Ways to apply for work permit request

1. The request for getting a work permit shall be submitted in written form before starting the work, by fulfilling relevant official forms.

2. Request form shall be provided at Employment offices within the MLSW.

Article 8
Competent bodies for issuing work permit

1. Work permit for a foreign citizen or stateless person is issued by the Department of Labor and Employment within the Ministry of Labor and Social Welfare.
2. Work permit issued for an employer cannot be transferred to another employer.
3. Work permit shall not be issued to persons who stay in Kosovo upon tourist (visiting) permit.

Article 9
Renewal of work permit

1. The Request for renewal of work permit, except seasonal work permit, is submitted one month prior to expiry of existing permit.
2. The Request will be renewed within a month if the main circumstances when initial permit issued, have not changed.
3. For renewal request of work permit and elongation of the temporary stay, shall be issued at the same time.

Article 10
Document replacing work permit

1. In cases when the work permit is lost or damaged, it is replaced with a new work permit.
2. For the period of time when the renewal of work permit procedure takes place, the foreign citizen can provide one temporary work permit, with validity from time of old work permit submitting until he/she is provided with the new work permit.
3. In case the work permit is lost, the foreign citizen shall announce it in one of the most read newspapers in Kosovo.

Article 11
The refusal reasoning of assignation of work permit

1. The issue of work permit for one foreign citizen will be refused if:
 - 1.1. the situation of work in Kosovo market does not allow this employment regulated with sub-legal act;
 - 1.2. the relationship and forecast conditions in Contract do not perform the requests of Kosovo Legislation, and International convents;
 - 1.3. the information and the requisite documents are purposely kept unaccomplished or are untruth.
 - 1.4. the foreign employee does not present the request within the definite time for renovation of work permit
 - 1.5. has important reason that make up the risk for the safety of Republic of Kosovo.

Article 12
Termination of work permit

1. Work permit is terminated when:
 - 1.1. the deadline for the timeframe it was issued is fulfilled;
 - 1.2. the foreigner citizen leaves the Republic of Kosovo for more than six (6) months;
 - 1.3. with suspension of the stay permit in Republic of Kosovo;
 - 1.4. the conduct of foreign citizens are in contradiction with the applicable legislation in Kosovo.

Article 13
Exemptions from obligation to obtain work permit

1. Following categories of foreign citizens are exempted from obligations to get the work permit;
 - 1.1. representatives of diplomatic offices of international organizations with diplomatic status, and foreigner citizens that are employees of such offices;
 - 1.2. key personnel of trade enterprises which is defined by agreement on stability-association between EU member states and Kosovo;
 - 1.3. representatives of non-governmental and non-profitable organizations;
 - 1.4. executive directors and important employees of foreign companies who operate or aim to operate in the Republic of Kosovo;
 - 1.5. other employees and professionals of a foreign company, that come to work with the branches of such companies in the Republic of Kosovo;
 - 1.6. specialists who come to work in accordance with bilateral and multi-lateral agreements;
 - 1.7. goods and people cross-border transport personnel;
 - 1.8. lecturers, members of scientific staff, university pedagogues, private scientific institutions staff, if there is a public interest, as a result of their particular knowledge;
 - 1.9. representatives of mass-media, correspondents or reporters, working for a foreign employer;
 - 1.10. university students participating in an exchange program during summer leave, as a result of relevant agreements;
 - 1.11. military and civil officials of governments of other states who come to Kosovo to work on the basis of a contract on cooperation with the Kosovo Government;
 - 1.12. representatives of religious associations who conduct work especially related to religious service,

Article 14
The Cancellation of work permit

1. The work permit will be canceled from the competent organ if:
 - 1.1. is filling in indication base of unverified for employee or employer;
 - 1.2. the employer doesn't conclude the contract with the foreigner in foreseen legal time;
 - 1.3. the foreigner in base of work permit, does the job for which it is not related the work contract;
 - 1.4. works for other employer who based on the work permit can not be related the work contract;
 - 1.5. the foreigner is not allowed or is ceased his/her temporary stay in Republic of Kosovo.

Article 15
Special Conditions for Foreign Citizens Employment

1. Except general provisions drawn by this Law and other applicable laws, the foreign citizen in order to be employed in Republic of Kosovo should fulfill the following special conditions:
 - 1.1. to possess stay permit in the Republic of Kosovo, conform the Law on Foreign Citizens;

Article 16
Required documents

1. Together with the request for work permit, employer is obliged to submit:
 - 1.1. the document for stay permit in the Republic of Kosovo, or proof for possessing official valid visa.
 - 1.2. details of the job position, qualifications and nature of the job and employment of the foreign citizen.
 - 1.3. details of the employers main office, with the rationale for employment of the foreign person, conditions of employment contract, number of employees, types of jobs and their duration;
 - 1.4. certification for registry of business or similar activity or freelance occupation, who runs activities in his/her trade company, who possesses the majority of stakes in a joint Venture Company in Kosovo or to the foreign person who offers services on behalf of foreign employer;
 - 1.5. the certification from Employment Office by which is verified that among the jobseekers of Kosovo there no persons who fulfill the work conditions where the foreign citizen shall work.

Article 17
Work contract

Signature of a contract with the aim of establishing employment relation for a foreign citizens done in conformity with Applicable legislation from Work and Employment scope.

Article 18
Deadline for issuing the contract

Employer is obliged to sign a written employment contract with the foreign citizen before commencing the work, not later than fifteen (15) days from the date when the work permit was issued.

Article 19
Equity in front of the law

Legal and natural person have equal responsibilities and obligations as other citizens of the Republic of Kosovo, except if otherwise specified with bilateral agreements, or International Conventions.

Article 20
Deadline for approving or refusing work permit

The deadline for approving or refusing request for work permit is no more than thirty (30) days since the complete documents are submitted to the competent body.

Article 21
Complaints

1. When request for work permit is refused, the foreign citizen shall be informed in written form.
2. The foreign citizen or other interested person in the term of eight (8) days from the day of the information of the request refusal, he/she can submit a complaint to the Ministry of Labor and Social Welfare.
3. The responsible body of MLSW in respect of clamor presented by foreign citizen, in the term of fifteen (15) days issues the decision from the day of Clamor Presentation.
4. Against the decision when a work permit was refused because of the fulfillment of number of permits defined by the Government of Kosovo the complaint shall not be submitted.
5. Against the decision on refusal of the request for issuing work permit from paragraph 1. of this article, the foreign citizen, can initiate Administrative dispute.

Article 22
Punitive provisions

1. An employer as legal person, for violation, will be fined with money from one thousand five hundred (1.500) to three thousand (3.000) Euro, in cases when;
 - 1.1 he/she employs a foreign person without work permit,
 - 1.2 the foreign citizen is employed in jobs not conform work permit and work contract;
 - 1.3 work permit is transferred to another employer;
 - 1.4 if employer extends foreign person's work contract after the work permit expiry.
2. A foreign citizen as natural person for violation, will be fined with money from five (500) until one thousand (1000) Euro, in cases when;
 - 2.1. during the performance of the work he/she violates provisions and rules from labor scope and social insurance;
 - 2.2. continues to work even when the work permit has expired;
 - 2.3. works without work permit ;

2.4. carries out activities contrary to work permit for which it was issued.

Article 23
Supervision

Supervision of enforcement of this Law and other positive provisions is carried out by the Labor Inspectorate, in accordance with Legislation in force.

Article 24
Development of sub-legal acts in accordance with the Law

1. Employers are obliged that all sub-legal acts which regulate employment relations for foreign citizens to harmonize with provisions of the law, at latest six (6) months after the law comes into force.

Article 25
Competent Body for issuing work permit

1. The competent body for issuing work permit is Department of Labor and Employment that acts and works within MLSW.
2. Department of Labor and Employment is obliged that for issuing and the interruption of work permit, to inform the Ministry of Internal Affairs, in the term of three (3) days from the issued day, respectively from the interruption of work permit.
3. Ministry of Internal Affairs, based on the decision for suspension of permit for permanent or temporary stay, in cases when the foreign citizen is employed, according to official duty, informs the Department of Labor and Employment of the Ministry of Labor and Social Welfare.

Article 26
Implementation of the Law

The Minister of the MLSW within a timeframe six (6) months after this law comes into effect, in coordination with relevant Ministries, adopts sub-legal acts, for implementation of this Law.

Article 27
Entry into Force

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

Law No. 03/L-136
10 July 2009

President of the Assembly of the Republic of Kosovo

Jakup KRASNIQI