LAW NR. 03/L-037

ON TRAVEL DOCUMENTS

Based on Chapter IV article 65 item 1 of the Constitution of Republic of Kosova,

The Assembly of Republic of Kosova,

Hereby adopts

THE LAW ON TRAVEL DOCUMENTS

CHAPTER I
GENERAL PROVISIONS

Article 1
The purpose

This law establishes the legal rules, meaning, content, procedures, manner of application for issuance of travel documents and their validity for Kosova Republic citizens.

Article 2
Definitions

Expressions used in this law have the meaning as follows:

-Passport- is a public travel document which serves to the citizen for state border crossing.

-Diplomatic passport - is a travel document which is provided to the representatives of the diplomatic missions and other diplomatic staff as determined by this law;

-Official passport - is a travel document which is provided to the technical and administrative staff of the diplomatic missions in Embassies and Consulates and other officials determined by this law;

-Travel Card - is a travel document which is issued to the citizens out of the country who have lost, stolen or expired the validity of the travel document;

-Group Travel Document – is a travel document which is issued to different groups when they travel in group;

-Biometric data - are unique data and they represent the physical characteristics of an individual which serves to determine the identity through facial image, fingerprints and eye-pupil.

-Citizen – is any person who has Kosova citizenship in accordance with the provisions of the law in force;

-Ministry – means Ministry of Internal Affairs;

-Personal data – means personal name, date of birth, personal number, gender and place of birth.

Article 3

Passport is a travel document which is provided to a Kosova Republic citizen (in further text: citizen) for state border crossing and proving the identity and citizenship.

Article 4

The citizen has the right to have only one travel document of the same kind, except in cases defined by instruction of the competent authority.

Article 5

5.1 The citizen is obliged to have with himself a valid travel document by which he may enter and exit the territory of Republic of Kosova, and to travel from one foreign country to other, unless with an international agreement is not determined otherwise.

5.2 The competent authority for border crossing control will allow entrance in Republic of Kosova for citizens who do not have valid travel passport, if citizenship and identity are undoubted.

Article 6

It is prohibited for the citizen to sell, give, lend his travel document, or to use other's travel document with the purpose of obtaining any benefit or the right, or to change, delete any kind of data in the travel document.

CHAPTER II
TYPES OF TRAVEL DOCUMENTS AND COMPETENCY FOR THEIR ISSUANCE

Article 7

Travel documents are:

a) passport;
b) diplomatic passport;
c) official passport;
d) travel card – travel document for return;
e) group travel document;
f) travel documents issued based on international agreement.

Article 8

8.1 Competent organ for issuing passport and group travel document is the Ministry of Interior (in further text: Ministry).

8.2 In urgent cases: treatment, illness or death of close family member, urgent official duties and business, the Ministry will issue passport in urgent procedure.

8.3 For the citizen who permanently lives abroad and for medical reasons or other justified reasons cannot return to the country of origin, the passport might be issued by the competent body outside the country for commission of tasks in diplomatic/consular missions.

8.4 Diplomatic passport and official passport is issued by the Ministry of Foreign Affairs.

8.5 Travel documents for return are issued by the competent body abroad authorised for commission of services and tasks in the diplomatic/consular mission.

Article 9

9.1 Citizen younger than 14 years of age (in further text: the child) may travel abroad accompanied by his parents, legal representative, or with their permission any other person.

9.2 In justified cases, when the child is given for care to foster family or when the legal representative is not accessible, because of the security and interest of the child, the permission is issued by the competent centre for social work.

9.3 Permission from paragraph 2 of this law is issued in a form which contains data from points a, b, c, and d, of Article 23 paragraph 2 of this law and serial number of the travel document of the child and of the person with whom the child travels out of Republic of Kosova or comes from abroad to Republic of Kosova.

9.4 Permission from paragraph 3 of this article is approved by the Ministry or competent organ authorised for commission of tasks of consular service.

9.5 Data from paragraph 3 of this article, the bodies from paragraph 4 of this law, may use also from the evidences from article 31 of this law.

Article 10

10.1 Diplomatic passport is issued to: President of the Republic of Kosova, President of the Republic of Kosova Assembly, deputies of the Assembly of Republic of Kosova, Prime Minister and members of the Republic of Kosova Government, president of the Constitutional Court of the Republic of Kosova, president of the Supreme Court of the Republic of Kosova, Ombudsperson, officials of the diplomatic and consular representations of the Republic of Kosova abroad, who have diplomatic nominations, consular services and employees of the ministry of foreign affairs who are tasked with the diplomatic and consular tasks and who have diplomatic nominations, members of state delegations of the Republic of Kosova, persons who by decision of the Kosova government are sent for work in international organisations as officials of diplomatic rank in above mentioned organisations, diplomatic couriers and other assigned persons, if this is in the interest of the Republic of Kosova.

10.2 Diplomatic passport may be issued also to the close family member of the employees of diplomatic and consular representations of Kosovan missions abroad and family members of the person, who upon decision of government are sent to work in international organisations, if they live together in common family community abroad, and also close family member of a person from paragraph 1 who accompanies him in the official travel abroad.

Article 11

11.1 Official passport is issued to the political staff of the Republic of Kosova, employees of the Ministry of Foreign Affairs and persons employed in the diplomatic and consular representations of the Republic of Kosova abroad, who does not have diplomatic passports.

11.2 Official passport is issued also to the members of state delegations of the Republic of Kosova and workers of other state bodies, when they travel officially abroad, and other determined persons, if this is in the interest of the Republic of Kosova.

11.3 Official passport may be issued also to the close family member of the person from paragraph 1 of this Article, if they live together in family community.

Article 12

Travel document for return is issued to the Kosova citizen who remains without passport abroad, or the validity of the passport has expired.

Article 13

13.1 Group travel document is issued for the group for not less than 5 and not more than 50 citizens, for one travel to a specific state.

13.2 The leader of the group should have passport, whilst other persons who are registered in the travel list should posses any document with photography which verifies their identity.

Article 14

14.1 Travel documents are issued in determined form by the competent Ministry for Interior, in cooperation with the competent Ministry of Foreign Affairs, and they will determine the price of the travel documents which should be paid to the competent body by the citizen.

14.2 Travel document–passport should contain:

a) name of the Republic of Kosova state;
b) symbol of the Republic of Kosova state;
c) name type and number of the travel document ;
d) space for signature of the authorised official of the competent organ which has issued it ;
e) date of handing over of the travel document ;
f) the time limit of the validity of travel documents
g) space for the signature of the holder of travel document;
h) and also the personal biometric data

14.3 Forms of the travel documents, forms for application for travel documents, forms for permission of legal representatives referred to Article 9 of this law and forms for notification of loss of travel documents, are produced by the enterprise or authorised organisation selected by the competent Ministry of Interior, in cooperation with the Ministry for Foreign Affairs, in accordance with the provisions of the law which regulates public procurement.

14.4 Ministry of Interior and Ministry of Foreign Affairs, each within its responsibilities, will have right to exercise control over the enterprises or organisations from paragraph 3 of this Article, by inspecting overall documentation regarding the procedures of production and preservation of the forms referred to in paragraph 3 of this Article, places where these were produced and preserved and to ascertain whether the persons conducting these tasks fulfil the following conditions for accomplishment of such tasks:
a) to be major;
b) to not have served imprisonment punishment for more than three months for commission of criminal offence which is prosecuted ex officio.

14.5 Transportation of travel documents will be done by the competent body or organisation licensed for transportation of postal deliveries in a manner that guarantees protection, security and forwarding of postal deliveries.

Article 15

Forms of travel documents are printed in official languages and in official languages of municipalities determined by law in Latin alphabet and also in English language.

CHAPTER III
VALIDITY OF THE TRAVEL DOCUMENTS

Article 16

16.1 Passport is issued in timeframe validity of 10 years.

16.2 Regardless of determinations from paragraph 1, citizens who has not still reached three years from the day of birth, will be issued travel document – passport in validity of three years, whilst for the citizens of three years of age until eighteen years of age the passport is issued in validity of five years.

16.3 Citizens, who in the five years period loose, damages or is stolen two or more passports, will be issued the passport in validity of one year.

16.4 Provisions of paragraph 3 of this Article do not apply if the citizen, to whom the passport is stolen, provides evidence that he/she took care about the passport and has reported the theft of the passport as criminal offence to the competent authorities.

Article 17

Diplomatic passport and official passport is issued for the time of accomplishing tasks, but the timeframe of their validity should not be longer than 5 years.

Article 18

Travel document for return (travel card) is issued in validity which is needed for return to the Republic of Kosova, respectively not longer than 30 days.

Article 19

Permission given by the legal representative is valid not longer than 1 year after its issuance.

Article 20

20.1 Citizen should hand over the passport to the competent organ at latest within 30 days, if:

a) changes name or surname;
b) photography no longer shows his/her real appearance;
c) it is damaged, or for some other reason is not usable anymore.
d) changes the permanent residence.

20.2 In the basis of points a, b, c, and d of paragraph 1 of this article, the citizen may submit application to be equipped with new travel document in the manner determined in article 23 of this law.

Article 21

21.1 Regardless the timeframe of validity of travel documents, their validity expires if:

a) it is reported by the citizen him/herself that it is lost, it is stolen or it is robbed;
b) it is damaged due to negligence of its holder.
c) are filled in the pages for official notes;
d) looses the citizenship of Republic of Kosova;
e) the reasons for issuing travel document referred in the articles 10 and 11 of this Law cease to exist.

21.2 Holder should hand over the travel document to competent body, eight days after the occurrence of reasons from paragraph 1 of this article.

CHAPTER IV
PROCEDURE FOR ISSUANCE OF TRAVEL DOCUMENTS

Article 22

22.1 The application to be equipped with the passport, the citizen submits in person to the competent body.

22.2 The application might be submitted by the citizen who has reached 18 years of age and also the citizen who has not reached 18 years of age, but has obtained capacity to work.

22.3 For the citizen younger than 18 years, respectively for the citizen who does not have capacity to work, the application may be submitted by the legal representative.

22.4 Passport, travel card and group travel document are issued upon the request of the citizen, whilst diplomatic passports and official passports are issued upon the request of competent state body.

22.5 Competent body issues to the submitter of the application the proof on reception of application.

Article 23

23.1 Application for issuance of passport is conducted in a specific form.

23.2 Form from paragraph 1 of this article contains these data:

a) personal name ;
b) personal number of the citizen;
c) date of birth;
d) gender;
e) place of birth;
f) permanent residence;
g) citizenship;
h) date and place of submission of application;
i) name, surname and residence of legal representative.
j) signature of the applicant.

23.3 To the application for new travel document, except in the cases of application for travel card, the citizen should attach old travel document and should be taken a photography with biometric parameters, which shows his /her real identity.

23.4 To the application for travel document for return, the citizen should attach two photographs in determined dimensions, which shows his/her real appearance.

23.5 In the application for issuance of group travel document, the leader of the group will assign the place in which the group travels and number of his passport.

23.6 To the application for issuance of diplomatic passport, should be attached also the data from paragraph 2 of this article and data on the title and diplomatic respectively consular function exercised by the person.

23.7 Passport, diplomatic passport and official passport contains also the memorised data, in which is preserved the real identity of the holder as biometric data according to the standards of International Organisation of Civil Aviation (ONAC-ICAO).

Article 24

24.1 Travel documents may be taken from the competent body or through the mail. The manner of delivery is determined by the competent body.

24.2 Delivery through mail is conducted at the moment when the citizen receives the travel document. In case the citizen does not take the travel document within eight days from the reception of notification on mail delivery, the travel document will be returned to the competent authority which has issued it.

24.3 To the citizens from paragraph 3 of Article 8 of this law, the travel document will be delivered by the Republic of Kosova body abroad, competent for commission of diplomatic and consular tasks.

Article 25

25.1 In case of loss or theft of passport, the holder should immediately or not later than eight days, inform the police, through form which contain data from points a, b, c, of paragraph 2 of Article 23 of this law.

25.2 For loss of travel document outside the country, the citizen should immediately report and if this is not possible then within no later than eight days after entering into the Republic of Kosova, inform the police in the manner determined in paragraph 1 of this article.

25.3 In the case of notification of loss of the passport, it is needed to point out accurate data on the circumstances of loss of passport.

25.4 In the bases of paragraph 1 and 2 of this article, after the public announcement of loss by the citizen, competent body will pronounce the travel document invalid.

25.5 Competent body, upon request of citizen, issues new passport, after public announcement of the invalidity of passport.

Article 26

26.1 Regarding the application for the passport, competent body should decide within 15 days after the submission of application.

26.2 Citizens who were born outside the Republic of Kosova, and who are not registered in the records of births or citizenship, and for whom is necessary to establish the citizenship and other personal data, competent body may request from them to present birth certificate and proof on citizenship, in which case the period within which should be issued travel document, might be extended for thirty days.

26.3 In case, when the competent body suspects about the accuracy of data from article 25 paragraph 3 of this law, the time frame for issuance of travel document might be adjourned for the time needed for verification of data, which should last no longer than 60 days.

Article 27

27.1 Competent body, to which was submitted the application for passport, refuses the application in the basis of court decision if:

a) against the citizen who has submitted the application for issuance of passport is conducted criminal procedure respectively procedure for dissolution of marriage and for recognition of parental right, if the court requires prohibition of issuance of passport.
b) there exists the interests of protection of the state, determined by law;
c) to the citizen is pronounced at least twice imprisonment sentence for criminal offences of illegal production and drugs trafficking, money counterfeit, smuggling, falsification of documents, illegal production and weapons and explosives trafficking, illegal border crossing, trafficking in human beings, international terrorism, financing of terrorist activity and other criminal offences regarding the foreign states.

27.2 If the court has brought a final decision against the citizen, based on the points a,b,c of paragraph 1 of this article, it should inform the competent body about the refusal of application and for this it should provide reasoning.

27.3 If any of the reasons from points a, b, c, of paragraph 1 of this article, is presented after the issuance of passport, competent body for issuance of passports should issue decision on taking back the passport.

27.4 Appeal against the decision in the base of paragraph 3 of this article, does not stay the execution of decision.

Article 28

28.1 For cease of the reasons for refusal of application for passport, competent court should immediately inform the competent body.

28.2 It is considered that there are no reasons for refusal of application for issuance of passport from paragraph 1 of Article 27 of this Law if the competent court, does not renew the prohibition.

Article 29

29.1 About the appeal against the decision on refusal of application for issuance of passport, respectively for taking back of passport, issued by the competent body or diplomatic or consular mission, decides the Ministry of Interior.

29.2 The Government will decide about the submitted appeal against the first instance decision oh the responsible Ministry of Interior for refusal of application for issuance of passport or taking back of passport.

Article 30

Upon request of citizen, to whom the application for issuance of passport is refused, respectively to whom the passport is taken, the court which has requested the prohibition of issuance, for special reasons (death of close family member, treatment abroad, urgent official duties etc), may allow issuance of passport in limited time frame, not longer than 60 days.

CHAPTER V

EVIDENCIES

Article 31

31.1 Bodies, which according to this law are competent for issuance of travel documents manages and keeps special evidences.

31.2 Evidence contains these data:

a) type of the travel document;
b) date of issuance of travel document;
c) validity of the travel document and permission referred to in article 9 of this Law;
d) serial number and that of registration of travel document;
e) for travel documents lost, damaged or stolen;
f) data from article 23 of this Law;
g) from article 9 paragraph 3 of this Law and .
h) from article 27 of this Law.

31.3 Data from evidence are managed by the competent body five years after the cease of validity of travel document, except the data from Article 27 of this Law, on which the competent body acts in accordance with the law on archive material.

31.4 Competent body will keep the evidence also in the central data base of the Ministry of Interior.

Article 32

32.1 The data included in the evidence will be used, during the accomplishment of the tasks by the employees of the Ministry of Interior and Ministry of Foreign Affairs; these data might be used also by the police, in cases determined by law.

32.2 Facial image of the holder of travel document, preserved as biometric data might be used only for verification of accuracy of travel document and identity of holder of travel document during the state border crossing.

32.3 Personal data referred in the article 23 may be used by the enterprise or authorised organisation from paragraph 3 of Article 14 of this Law, for the purposes of filling with information the forms for travel documents, but these data will be destroyed within thirty days after their use under the supervision of the Ministry of Internal Affairs.

CHAPTER VI
SUPERVISION

Article 33

33.1 Supervision on application of provisions of this law is exercised by the Ministry of Interior and Ministry of Foreign Affairs, each within their scope of responsibilities. Supervision on application of provisions of article 4 of this law is also conducted by the police.

33.2Enterprise or organisation from article 14 of this law is obliged that to authorised persons from the Ministry of Interior and Ministry of Foreign Affairs, each within their scope of responsibilities, make possible the supervision of spaces, where these forms from article 14 of this law are produced or preserved.

33.3 Authorised person from paragraph 2 of this article during the supervision has the right and duty to:

a) order, that within assigned time frame, to eliminate irregularities and shortcomings discovered in the production or deposition of forms from article 14 of this law;
b) order interruption of production and depositing of forms from article 14 of this law, if it is found person who does not fulfil conditions from paragraph 4 of Article 14 of this Law;
c) notify competent authority for protection of personal data, if it considers that personal data are used in contradiction with paragraph 2 and 3 of Article 32 of this law.

CHAPTER VII
PENALTY PROVISIONS

Article 34

With fine from 200 € to 800 € will be punished for minor offence person:

a) who possess valid travel document and receives another one of the same kind (article 4 of this Law);
b) who sells or lends his travel document to someone else, respectively buys or uses other's travel document as his own or changes it, respectively deletes data in the travel document (article 6 of this law);
c) who in notification of loss point out inaccurate data about the circumstances of loss of travel documents (paragraph 3 of Article 25 of this Law).

Article 35

35.1 With fine from 50€ to 200€ will be punished for minor offence person who:

a) misuses the travel document or take other's travel document with purpose of ensuring any benefit or right (article 6 of this law).
b) does not hand over to the competent body travel document in the assigned time frame after the occurrence of reasons for the expiry of its validity (according to paragraph 2, Article 21of this law);
c) does not hand over travel document to the competent body in assigned time frame (according to the paragraph 1 Article 20 of this law).

35.2 With fine from 300 € to 1000 € will be punished for minor offence legal person who takes other's travel document in order to ensure any benefit or right (according to article 6 of this law).

35.3 With fine from 100 € to 200 € will be punished for minor offence also responsible person of the legal (paragraph 2 Article 35 of this Law).

CHAPTER VIII
TRANSITIONAL AND FINAL PROVISIONS

Article 36

Within timeframe of three months after the entry into force of this Law, competent Minister of Internal Affairs in cooperation with competent Minister of Foreign Affairs, with Administrative Direction will determine:

a) the form of the formularies from article 9,14, 23 and 25 of this law;
b) methodology of keeping evidences from article 31;
c) procedure and method of production, issuance and delivery of travel document, issuance of the permission of legal representative from article 9 and distribution, keeping, use, return and destruction of data from article 12;
d) the price of travel document, which the citizen should pay to competent body.

Article 37

The Republic of Kosova Government upon proposal of Ministry of Foreign Affairs, in timeframe of three months, after entrance into force of this law, assigns criteria for determination of the interests of Republic of Kosova in the basis of which might be issued diplomatic passport and diplomatic passport.

Article 38

Travel documents issued by UNMIK might be used until a new decision on their validity is reached**.**

Article 39

This law will abolish all provisions of the applicable law which are in contradiction with it.

CHAPTER IX
ENTRANCE INTO FORCE

Article 40
This Law shall enter into force on the day being edited in the Official Gazette of Kosova Republic.

Adopted by the Assembly of the Republic of Kosova

Date: 20.02.2008