



## **REGULATION NO. 2005/16**

### **ON THE MOVEMENT OF PERSONS INTO AND OUT OF KOSOVO**

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under United Nations Security Council resolution 1244 (1999) of 10 June 1999,

Taking into account United Nations Interim Administration Mission in Kosovo (UNMIK) Regulation No. 1999/1 of 25 July 1999, as amended, on the Authority of the Interim Administration in Kosovo,

For the purpose of regulating the movement of persons into and out of Kosovo,

Hereby promulgates the following:

#### **CHAPTER I: General Provisions**

##### Section 1 Definitions

For the purposes of the present Regulation:

1.1 “Competent authority” means the body within the Police and Justice Pillar responsible for making determinations at first instance on applications for refugee status and related applications and decisions on the termination of refugee status;

1.2 “Family member” means a spouse, blood relative in direct line, adoptive parent, adopted child, brother, sister, foster parent or legal guardian;

1.3 “Habitual resident” means a person who meets the criteria set forth in section 3 of UNMIK Regulation No. 2000/13 of 17 March 2000 on the Central Civil Registry;

1.4 “KFOR personnel” means all military and civilian staff of KFOR, holding a distinctive ID card issued by or under the authority of the KFOR Force Commander;

1.5 "Mass Influx" means a significant number of arrivals in Kosovo, over a short period of time, of persons from the same home country, who have been displaced under circumstances indicating that members of the group would qualify for international protection, and for whom, due to their numbers, individual refugee status determination is procedurally impractical;

1.6 "Member of a crew" means a person serving in any capacity on board a vehicle;

1.7 "Officer" means a duly authorized official of the UNMIK Border Police;

1.8 "Point of entry" means an authorized border or boundary crossing point set forth in UNMIK Administrative Direction No. 2003/18 of 30 July 2003 Amending UNMIK Administrative Direction No. 2001/15 Implementing UNMIK Regulation No. 2001/10 on the Prohibition of Unauthorized Border/Boundary Crossings;

1.9 "Refugee" means a person who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his or her nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country; or who, not having a nationality and being outside the country of his or her former habitual residence, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is unable or, owing to such fear, unwilling to return to it. In the case of a person who has more than one nationality, the term "the country of his or her nationality" shall mean each of the countries of which he or she is a national, and a person shall not be deemed to be lacking the protection of the country of his or her nationality if, without any valid reason based on well-founded fear, he or she has not availed himself or herself of the protection of one of the countries of which he or she is a national;

1.10 "Temporary Protection" means a procedure of exceptional character to provide, in the event of a mass influx or imminent mass influx of displaced persons from third countries who are unable to return to their country of origin, immediate and temporary protection to such persons;

1.11 "Transportation company" means a person or group of persons transporting or providing for the transportation of persons or goods by vehicle or otherwise;

1.12 "Travel document" means a valid unexpired national or diplomatic passport, United Nations Laissez Passer, UNMIK travel document, or another equivalent recognized document;

1.13 "UNMIK" means the international civil presence established pursuant to Security Council resolution 1244 (1999) in the territory of Kosovo, integrating Police and Justice; Civil Administration; Institution-Building (OSCE) and Reconstruction (EU) components;

1.14 “UNMIK personnel” means United Nations officials, experts and other persons assigned to serve in any of the components of UNMIK and holding an ID card, which indicates that the holder is a member of UNMIK, issued by or under the authority of the Special Representative of the Secretary-General;

1.15 “UNMIK travel document” means a valid unexpired travel document issued under UNMIK Regulation No. 2000/18 of 29 March 2000 on Travel Documents;

1.16 “Vehicle” means any conveyance used for transportation by land, water or air;

1.17 “Visitor” means a person who lawfully stays in Kosovo for a temporary period, does not meet the conditions of sections 2.1, 2.2 and 2.3 and does not apply for refugee status; and

1.18 “Voluntary re-establishment” means the return of a person to the country of his or her nationality or former habitual residence with a view to permanently residing there.

## Section 2 Classes of Persons Entering Kosovo

2.1 A person has the right to enter and remain indefinitely in Kosovo if such person:

- (a) Holds an UNMIK travel document;
- (b) Holds an identity card indicating that the bearer is a habitual resident of Kosovo;
- (c) Is a dependent family member under the age of eighteen (18) years or the spouse of a person who falls under any of the above categories; or
- (d) Is authorized to reside indefinitely in Kosovo by the relevant governmental authority based on guidelines and rules established by the Government in coordination with UNMIK.

2.2 A person who does not meet the conditions of section 2.1 shall not be required to obtain authorization to enter and remain in Kosovo, if such person holds a travel document or identity card of the State Union of Serbia and Montenegro.

2.3 A person who does not meet the conditions of section 2.1 shall not be required to obtain authorization to enter and remain temporarily in Kosovo, if such person is:

- (a) A member of UNMIK or KFOR personnel;

(b) An official of the United Nations or an expert on mission for the United Nations; or

(c) An official of an international intergovernmental organization with an established office in Kosovo or a liaison office of a foreign government in Kosovo.

2.4 A visitor shall be required to obtain authorization to enter and remain temporarily in Kosovo.

2.5 Procedures in respect of persons who are forcibly returned to Kosovo lie outside the scope of the present Regulation.

## **CHAPTER II: Authorization To Enter and Remain Temporarily in Kosovo**

### Section 3

#### Request for Authorization

3.1 A person who requires authorization to enter and remain temporarily in Kosovo shall by application request authorization from an officer at a point of entry into Kosovo.

3.2 A person may, by application, request authorization on behalf of himself or herself and each accompanying family member under the age of eighteen (18) years.

3.3 An application for authorization to enter and remain temporarily in Kosovo shall include the following information:

(a) The identity of the applicant;

(b) The identity of each accompanying family member on whose behalf the application is also made;

(c) The reasons for the applicant's entry and stay in Kosovo; and

(d) Any supporting documentation for the above.

3.4 The burden of proof for establishing justification for entry to and staying in Kosovo rests on the person seeking entry.

### Section 4

#### Grant of Authorization to Enter and Remain Temporarily in Kosovo

An officer shall grant a person authorization to enter and remain temporarily in Kosovo if the officer is satisfied that such person:

- (a) Is visiting Kosovo for the purposes of recreation or tourism;
- (b) Is enrolled in a study program in Kosovo;
- (c) Is employed or has legitimate business interests in Kosovo or is visiting Kosovo in the course of his or her employment or business;
- (d) Is a family member of a person who is in Kosovo on the basis of section 4(b) or 4(c);
- (e) Is a family member of a person who is in Kosovo on the basis of sections 2.1, 2.2 or 2.3;
- (f) Is in immediate and continuous transit to and from Kosovo;
- (g) Is invited to Kosovo by a competent authority; or
- (h) Meets the requirements of section 16, section 17.1 or section 18.

#### Section 5

#### Denial of Authorization to Enter and Remain in Kosovo

5.1 An officer shall deny a person authorization to enter and remain in Kosovo if the officer has reasonable grounds to believe that such person does not meet the criteria provided for in section 4.

5.2 Notwithstanding section 4, an officer may deny a person authorization if the officer has reasonable grounds to believe that such person:

- (a) Is suffering from a serious communicable disease likely to endanger public health or public safety, as confirmed by a medical doctor competent for public health in Kosovo;
- (b) Will engage or has engaged in terrorist acts;
- (c) Is or has been a member of an organized criminal or terrorist organization;
- (d) Will engage in acts of violence that would or might endanger the lives or safety of persons in Kosovo;
- (e) Has previously been removed from or denied authorization to enter and remain in Kosovo and the grounds for removal or denying authorization still apply;
- (f) Is transiting through Kosovo in order to enter a country illegally; or

(g) Is entering Kosovo in order to undermine the purposes and principles of United Nations Security Council resolution 1244 (1999), including the maintenance of civil law and order, the protection and promotion of human rights and assuring the safe and unimpeded return of all refugees and displaced persons to their homes in Kosovo.

5.3 An officer denying authorization to enter Kosovo shall provide the applicant with a reasoned decision in writing and include notification of the right to have the decision reviewed and the time limit for applying for a review. The decision shall also include an order requiring such person to leave Kosovo. UNMIK Police Officers shall enforce the order to leave Kosovo immediately.

## Section 6 Terms and Conditions of Authorization

6.1 When an officer grants authorization to enter and remain temporarily in Kosovo, he or she shall place a stamp inside the applicant's travel document or shall issue some other documentary proof of authorization to the applicant, stating that the holder is authorized to enter and remain temporarily in Kosovo for up to ninety (90) days from the date on the stamp.

6.2 The travel document or other documentary proof of authorization is to be produced at any time that it is requested by an officer or an UNMIK Police Officer during the visitor's stay in Kosovo or upon exit from Kosovo.

6.3 Authorization automatically lapses upon the date of the visitor's exit from Kosovo and sections 3–5, 6(1) and 6(2) shall apply *mutatis mutandis* to any subsequent application by the visitor for authorization to enter and remain temporarily in Kosovo.

## Section 7 Extension of Authorization

7.1 A person authorized to enter and remain temporarily in Kosovo may request an extension of his or her authorization by application to an officer or a duly authorized police officer in a designated UNMIK Police Station. Such application shall be submitted at least fifteen (15) days prior to the expiration of the authorization.

7.2 Sections 3–6 shall apply *mutatis mutandis* to an application for the extension of authorization.

7.3 A decision to extend authorization shall be effective for a period of ninety (90) days and may be renewed.

## CHAPTER III: Entry and Exit from Kosovo

### Section 8

#### Obligations of Persons Entering Kosovo

8.1 A person seeking to enter Kosovo shall:

- (a) Possess a travel document and present it to an officer at a point of entry;
- (b) Be examined by an officer at a point of entry to determine whether that person may be granted entry into Kosovo or whether authorization to enter and remain temporarily in Kosovo is required under the present Regulation;
- (c) Answer all questions truthfully and produce such documentation as may be required for the purpose of establishing whether the person may enter and stay in Kosovo and whether authorization for these purposes is required.

8.2 An officer at a point of entry may seize a travel document which he or she has reasonable grounds to believe is fraudulent. The officer shall provide a person with a reasoned decision in writing for such measure. The decision shall include notification of the right to have it reviewed and the time limits for applying for review.

### Section 9

#### Entry into Kosovo

An officer shall permit a person to enter and remain in Kosovo, where the officer is satisfied that such person:

- (a) Is within the class of persons provided for in section 2.1;
- (b) Is within the class of persons provided for in section 2.2; or
- (c) Is within the class of persons provided for in section 2.3.

### Section 10

#### Denial of Entry into Kosovo

10.1 An officer shall deny a person entry into Kosovo where:

- (a) Such person is unable to satisfy the officer with respect to that person's identity; or
- (b) Such person is not within the class of persons provided for in sections 2.1, 2.2 or 2.3.

10.2 Notwithstanding sections 9(b) or (c), an officer may deny a person who is within the class of persons provided for in section 2.2 entry into Kosovo where the officer has reasonable grounds to believe that one or more of the conditions provided for in section 5.2 apply.

10.3 A denial of entry shall be set forth in a reasoned decision in writing which shall be provided to the person denied entry. An officer denying entry to Kosovo shall provide the applicant with a reasoned decision in writing and include notification of the right to have the decision reviewed and the time limit for applying for a review. The decision shall also include an order requiring such person to leave Kosovo. UNMIK Police Officers shall enforce the order to leave Kosovo immediately.

### Section 11 Right of Exit

Subject to compliance with the law and with border control procedures, all persons have the right of exit from Kosovo, provided they are in possession of a travel document and are not subject to any orders or restrictions on their departure from Kosovo under applicable law.

## **CHAPTER IV: Refugees**

### Section 12 Applications for Refugee Status

12.1 A person claiming refugee status may submit an application, orally or in writing, in a language of his or her choice, to an officer or a police officer in an UNMIK Police Station who shall forward the application to the competent authority.

12.2 An application for the determination of refugee status may be lodged:

- (a) At any time, if the applicant possesses travel documents; and
- (b) Without delay if the applicant does not possess travel documents.

12.3 If an application for refugee status is made, the applicant will be registered with the UNMIK Police and issued an order permitting the applicant to stay temporarily in Kosovo pending a final determination on the application for refugee status.

12.4 The applicant has the right:

- (a) To defend his or her claim in person;
- (b) To receive the assistance of legal counsel of his or her choice or to have legal counsel provided if he or she cannot afford to pay for legal assistance;



- (c) To be given the free assistance of an interpreter;
- (d) To communicate orally or in writing with the representative of the United Nations High Commissioner for Refugees (“UNHCR”) or another competent international organization;
- (e) To receive a medical examination upon request and medical treatment, whenever necessary; and
- (f) To be informed of the procedure concerning the application for refugee status and his or her rights and obligations during such procedure in a language he or she understands.

12.4 The application for refugee status shall be determined at first instance by the competent authority.

12.5 When deciding on an application, the competent authority shall summon the applicant and his or her legal counsel to a hearing to present evidence. The competent authority shall also request representatives from UNHCR and other competent international organizations to make submissions as *amicus curiae* and present evidence. Such hearings shall be conducted within fifteen (15) days of the receipt of the application for refugee status. A record of the hearing shall be taken, translated into the language chosen by the applicant and be signed by the applicant.

12.6 The competent authority shall issue a reasoned decision in writing on an application within seven (7) days of the hearing. The decision shall be provided to the applicant and his or her legal counsel, as well as to representatives of UNHCR or another competent international organization. The decision shall include notification of the right to have it reviewed and the time limits for applying for review.

### Section 13 Grant of Refugee Status

13.1 The competent authority shall grant refugee status to a person where there are reasonable grounds to believe that owing to a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion:

- (a) The person is outside the country of his or her nationality and is unable or, owing to such fear, is unwilling to avail him or herself of the protection of that country; or

- (b) Not having a country of nationality, the person is outside the country of his or her former habitual residence and is unable or, owing to such fear, is unwilling to return to that country.

13.2 A well-founded fear of being persecuted or a real risk of serious harm may be based on events which have taken place since the applicant left the country of origin.

13.3 The competent authority shall grant refugee status to the dependent child under the age of eighteen (18) years or the spouse of a person who is granted refugee status.

Section 14  
Denial of Refugee Status

14.1 The competent authority shall deny refugee status to a person where there are serious grounds to believe that such person:

(a) Has committed the crime of genocide, a war crime, a crime against humanity, or other serious violations of international humanitarian law;

(b) Has committed a serious crime outside Kosovo prior to admission to Kosovo; or

(c) Has been found to have committed acts contrary to the purposes and principles of the United Nations Charter.

14.2 A decision to deny refugee status shall also include notification of the right to have it reviewed, the time limits for applying for such review and an order requiring the person to leave Kosovo. Enforcement of the order to leave is suspended pending the review proceedings of the decision to deny refugee status. UNMIK Police Officers shall enforce the order to leave.

14.3 The competent authority may grant a temporary stay on humanitarian grounds to a person who is denied refugee status, if such person has valid reasons for remaining outside his or her country of nationality at least until the conditions in his or her country of nationality can be clarified. The manner of implementation of the power to grant temporary stay on humanitarian grounds shall be set forth in an Administrative Direction.

Section 15  
Termination of Refugee Status

15.1 The refugee status shall end when a person:

(a) Has voluntarily re-availed himself or herself of the protection of the country of his or her nationality;

(b) Having lost his or her nationality, has voluntarily re-acquired it;

(c) Has acquired a new nationality, and enjoys the protection of the country of his or her new nationality;

(d) Has voluntarily re-established himself or herself in the country which he or she left or outside which he or she remained owing to fear of persecution;

(e) Can no longer, because the circumstances in connection with which he or she has been recognized as a refugee have ceased to exist, continue to refuse to avail himself or herself of the protection of the country of his or her nationality; or

(f) Being a person who has no nationality he or she is, because the circumstances in connection with which he or she has been recognized as a refugee have ceased to exist, able to return to the country of his former habitual residence.

15.2 The competent authority shall decide the termination of refugee status, upon request of an officer or *ex officio*. The decision to terminate refugee status shall be made in writing and shall include notification of the right to have it reviewed and the time limits for applying for review. The decision shall also include an order to leave Kosovo. The enforcement of the order is suspended pending proceedings for review of the decision to terminate the refugee status. UNMIK Police Officers shall enforce the order to leave.

#### Section 16 Mass Influx of Refugees

In the event of a mass influx, the competent authority may grant temporary protection to persons coming directly from a state where their life, safety or freedom have been threatened by war, civil war, occupation, internal conflict linked with violence or mass violation of human rights.

#### Section 17 Principle of Non-Refoulement

17.1 No refugee shall be expelled or returned in any manner whatsoever to the frontiers of territories where his or her life or freedom would be threatened on account of his or her race, religion, nationality, membership of a particular social group or political opinion.

17.2 The benefit of paragraph 1 of the present section may not, however, be claimed by a refugee whom there are reasonable grounds for regarding as a danger for the security of Kosovo or who, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the population of Kosovo.

17.3 Notwithstanding sections 5, 10, 14 and 15, a person may not be refused entry into Kosovo or be sent to a State or territory where there is a real risk that he or she will be subjected to torture or to inhuman or degrading treatment or punishment, to the death penalty or execution or to serious and individual threat by reason of indiscriminate violence in situations of armed conflict.

17.4 Section 12-15 shall apply *mutatis mutandis* to applications for protection on the basis of section 17.3.

## **CHAPTER V: Temporary Stay in Kosovo**

### Section 18 Temporary Stay in Kosovo

18.1 An officer or the competent authority shall issue an order permitting a person to stay temporarily in Kosovo:

- (a) Pending a decision on his or her application for refugee status;
- (b) Pending a decision on an application for review of a decision by the competent authority terminating refugee status;
- (c) Pending a decision on an application for protection on the basis of section 17.3;
- (d) Pending a decision on an application for review of a decision by an officer seizing travel documents; or
- (e) Pending enforcement of an order under section 5.3 requiring a person to leave Kosovo, if exceptionally UNMIK Police Officers are unable to enforce the order to leave Kosovo immediately.

18.2 If a person establishes *prima facie* that he or she meets the eligibility requirements for registration as a resident of Kosovo but does not hold an identity card indicating that he or she is a habitual resident of Kosovo, the officer shall issue an order permitting him or her enter and stay temporarily in Kosovo, pending proceedings for registration.

18.3 Sections 6 and 7 shall apply *mutatis mutandis* to an order permitting a person to stay temporarily in Kosovo.

## **CHAPTER VI: Measures to Secure the Presence of Persons**

### Section 19 Procedures for Ordering Measures to Secure the Presence of Persons, Including Detention

19.1 In permitting a person to remain temporarily in Kosovo pursuant to section 18 the officer may order that such person:

(a) Surrender his or her travel documents to an officer at a point of entry, which will be held until the person departs Kosovo from such point of entry; or

(b) Report to an UNMIK Police Station, at the time designated by the officer, until such person departs Kosovo.

19.2 If a minor is permitted to remain temporarily in Kosovo pursuant to section 18, the officer may order one of the measures set forth in paragraph 1 of the present section or the officer may order that such minor:

(a) Be accommodated with a family member who is in Kosovo; or

(b) Be subject to accommodation arrangements made by the competent Guardianship Authority.

19.3 In permitting a person to remain temporarily in Kosovo pursuant to section 18, the officer may order that such person be detained for up to seventy two (72) hours if there are reasonable grounds to believe that such person may abscond during his or her temporary stay in Kosovo and the measures provided for in section 19.1 or, in the case of minors, section 19.2 will be insufficient to guarantee the presence of such person or if there are reasonable grounds to believe that such person would endanger security in Kosovo or that he or she is entering Kosovo in order to undermine the purposes and principles of United Nations Security Council resolution 1244 (1999), including the maintenance of civil law and order, the protection and promotion of human rights and assuring the safe and unimpeded return of all refugees and displaced persons to their homes in Kosovo.

19.4 Before the expiry of the detention ordered pursuant to section 19.3, a three (3) judge panel of the District Court of competent territorial jurisdiction may upon the application of an officer order detention for up to thirty (30) days from the date of detention, if the conditions set forth in section 19.3 are met. When deciding on detention, the court shall summon the person or his or her legal counsel and the officer to a hearing. Such detention shall not exceed the period of time necessary for the proceedings required under section 18.

19.5 If a person who has applied for a review of a decision denying refugee status has been detained pursuant to section 19.4, a three (3) judge panel of the District Court may, upon the application of an officer, extend detention ordered pursuant to section 19.4 for a maximum period of fifteen (15) days, if the conditions set forth in section 19.3 are met. When deciding on detention the court shall summon the person or his or her defence counsel and the officer to the hearing. Such detention shall not exceed the period required to render a decision on a review of the decision. If on review the three (3) judge panel of the District Court confirms the decision denying refugee status, it may order that the person remaining temporarily in Kosovo be detained for a period of time required to effect his or her departure from Kosovo, if the conditions set forth in section 19.3 are met.

19.6 When an officer issues an order requiring a person to leave Kosovo under section 5.3 or 10.3, if there are reasonable grounds to believe that such person may abscond, the officer may also order that such person be detained for up to seventy two (72) hours to allow arrangements to be made to enforce the order to leave Kosovo immediately. Such order for detention may not be extended.

19.7 An order pursuant to the present section shall be set forth in a reasoned decision in writing and shall be immediately provided to the person.

## Section 20 Rights of Detained Persons

20.1 A person ordered to be detained pursuant to the present Regulation shall be held at:

(a) An authorized place of detention, for a maximum period of twelve (12) hours from the first order of detention; and

(b) Another authorized place of detention, on completion of detention in the place specified in section 20.1(a).

20.2 The rights of detained persons set forth in the Provisional Criminal Procedure Code, the Juvenile Justice Code and UNMIK Regulation No. 20004/34 of 24 August 2004 on Criminal Proceedings involving Perpetrators with a Mental Disorder shall apply, *mutatis mutandis*, to persons detained pursuant to the present Regulation.

20.3 At the time of detention, every detained person shall be advised both in writing and orally of his or her right under section 21 to challenge the lawfulness of his or her detention before a court of competent jurisdiction.

## Section 21 Habeas Corpus

21.1 A person detained pursuant to the present Regulation for a period longer than twelve (12) hours shall have the right at any time to submit to a three (3) judge panel of the District Court of competent territorial jurisdiction a written petition to determine the lawfulness of his or her detention.

21.2 The court shall convene a hearing within seventy-two (72) hours of the receipt of the written petition to determine the lawfulness of the detention if the written petition establishes a *prima facie* case that:

(a) The grounds for detention under section 19 no longer exist;

(b) The detention exceeds the period permissible under section 19; or

- (c) The detention is unlawful for some other reason.

21.3 The court shall summon to the hearing the detained person or his or her legal counsel and the officer who has ordered detention or upon whose request detention has been ordered.

21.4 At the hearing, the court shall order the immediate release of the person held in detention if it is established that:

- (a) The grounds for detention under section 19 no longer exist;
- (b) The detention exceeds the period permissible under section 19; or
- (c) The detention is unlawful for some other reason.

21.5 The court shall issue a reasoned decision in writing on a written petition on the lawfulness of detention within forty eight (48) hours of the hearing.

21.6 The decisions of the court on a written petition on the lawfulness of detention are final.

## **CHAPTER VII: Review**

### Section 22

#### Review of Decision of Officers and the Competent Authority

22.1 A person against whom a decision to deny entry or authorization to enter and remain in Kosovo, to deny refugee status, to terminate refugee status or to seize travel documents was taken, may apply in writing to a three (3) judge panel of the District Court of competent territorial jurisdiction for a review of the decision within seven (7) days of the receipt of the decision by such person.

22.2 The court may review a decision of an officer or of the competent authority:

- (a) On any ground that involves a question of law or fact; or
- (b) On compassionate or humanitarian grounds which support a modification of the decision.

22.3 When reviewing a decision of an officer, the court may request representatives from UNHCR and other competent international organizations to present evidence. If the decision to be reviewed concerns refugee status, the court shall convene a public hearing within ten (10) days of the receipt of the application for review by the court to enable the officer and the person or his or her legal counsel to present evidence.

22.4 The court shall dispose of an application for review by:

- (a) Reversing the decision;
- (b) Modifying the decision; or
- (c) Confirming the decision.

22.5 The court shall issue a reasoned decision in writing on an application for review within five (5) days of the conclusion of the hearing.

22.6 The decision of the court shall be final.

## **CHAPTER VIII: Minor Offences**

### Section 23 Minor Offences

23.1 It shall be a minor offence to:

- (a) Give false information to an officer during examination, knowing the falsity of such information;
- (b) Fail to produce such documentation as may be required by the officer during examination;
- (c) Remain in Kosovo without a valid authorization to enter and remain temporarily in Kosovo duly issued under the present Regulation; or
- (d) Enter Kosovo or remain in Kosovo by use of a false or improperly obtained passport, authorization or other document pertaining to the entry of that person or on the basis of any fraudulent or improper means or misrepresentation of any material fact.

23.2 The minor offences provided for in section 23.1 are punishable by:

- (a) A fine of up to one thousand (1,000) euros;
- (b) A term of imprisonment not exceeding thirty (30) days or, in the case of minors, a term of imprisonment not exceeding fifteen (15) days; and/or
- (c) An order requiring the person concerned to leave Kosovo for a period of six (6) months to three (3) years.

23.3 A person shall not have committed a minor offence under section 23.1 if he or she is a person seeking refugee status or is a person who provides evidence that supports a reasonable belief that he or she was a victim of trafficking.



## **CHAPTER IX: Liability for Transportation Costs**

### Section 24

#### Liability for Transportation Costs

24.1 A transportation company shall ensure that the persons it conveys to Kosovo are in possession of valid travel and identity documents required by the present Regulation and the applicable law.

24.2 A transportation company conveying persons to Kosovo shall, on the arrival of each one of its vehicles in Kosovo, present each person to an officer for examination at such place as may be designated by an officer and shall not allow any person to leave the vehicle:

- (a) At any place other than that designated by an officer; or
- (b) Until permission has been granted by an officer.

24.3 Where a person has been allowed or required to leave Kosovo pursuant to the present Regulation, a transportation company that has conveyed him or her to Kosovo may be required by an officer to cause that person to be conveyed to the last country from which he or she came to Kosovo, or to such other country as the officer may approve at the request of the company.

24.4 Where a person has been required to leave Kosovo because at the time of the arrival in Kosovo he or she was not in possession of a travel or identity document required by the present Regulation and the applicable law, a transportation company that has conveyed the person to Kosovo shall be liable to pay all costs of conveying him or her to the last country from which he or she came to Kosovo, or to such other country as the officer may approve at the request of the company.

24.5 Where a person has been granted entry to Kosovo, or where that person, at the time of arrival in Kosovo, was in possession of a travel document, and where he or she is required to leave Kosovo pursuant to the present Regulation, a transportation company that has conveyed him or her to Kosovo and that is required to cause him or her to be conveyed from Kosovo to the last place of embarkation is entitled to compensation for the costs of conveying him or her from Kosovo. However, a transportation company shall not be reimbursed for the costs of conveying such person from Kosovo if he or she enters Kosovo as a member of a crew, or to become a member of a crew.

24.6 Where a person enters Kosovo as, or to become, a member of a crew of a vehicle and ceases to be a visitor, the transportation company that operates that vehicle may be required to cause him or her to be conveyed to the country from which he or she last came, or to such other country as the officer may approve at the request of the

company. The transportation company shall be liable to pay all costs of conveying that person from Kosovo to the point of destination.

## **CHAPTER X: Final Provisions**

### Section 25 Implementation

The Special Representative of the Secretary-General may issue Administrative Directions for the implementation of the present Regulation.

### Section 26 Applicable Law

The present Regulation shall supersede any provision in the applicable law that is inconsistent with it.

### Section 27 Entry Into Force

27.1 The present Regulation shall enter into force on 1 May 2005.

27.2 A ninety (90) day transitional period will commence on the date on which the present Regulation enters into force. Within this ninety (90) day period, all persons in Kosovo as at the date on which the present Regulation enters into force who do not belong to any of the categories of persons set forth in sections 2.1, 2.2 or 2.3 must present themselves to an officer or a duly authorized police officer in a designated UNMIK Police Station to apply for authorization to enter and remain in Kosovo. Such persons who have not either received authorization to enter and remain temporarily or submitted an application for such authorization at the end of this ninety (90) day period will be committing a minor offence under section 23.1(c).

Søren Jessen-Petersen  
Special Representative of the Secretary-General