

## Legal Alert

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### In this issue:

- I. Law on Foreigners **No. 04/L-219** and Administrative Instruction **01/2014** on the procedure of Issuance of Residence Permit for Foreigners and the Certificate for Notification of Work.
- II. Amendment of the Law no. 04/L-042 on Public Procurement in the Republic of Kosovo.

- I. **Law on Foreigners No. 04/L-219 and Administrative Instruction 01/2014 on the procedure of Issuance of Residence Permit for Foreigners and the Certificate for Notification of Work.**

Law no. 04/L- 219 (Law) regulates the condition of entry, movement, residence and employment of foreigners in the territory of the Republic of Kosovo, whereas the Administrative Instruction 01/2014 (Administrative Instruction) regulates the procedure of issuance of the residence permit for foreigners and the certificate for notification of work, economic activities, and also the form and the content of the residence permit for foreigners.

The following are some important elements of this Law and Administrative Instruction that differ from the previous Law on Foreigners:

- For work purposes, there will be only a residence permit and the whole application process will be made via the Ministry of Internal Affairs (MIA), Department of Citizenship Asylum and Migration (DCAM).
- If a foreigner, who has a temporary residence permit, stays outside Kosovo more than thirty (30) days continuously, his/her temporary residence permit will be revoked.

- For each foreign employee, the employer is obliged to hire three (3) local employees, in case when the employer hires more foreign employees is obliged to hire five (5) local employees.

This law also foresees scenarios where employees come to work for a short period of time, starting from 30 to 90 days within a year. They do not need to obtain a residence permit, but only a confirmation for work notification.

Republic of Kosovo has a visa regime for foreign employees. A request for a temporary residence permit needs to be submitted to diplomatic or consular missions of the Republic of Kosovo.

Permanent residence permit can be obtained if the foreign employee fulfills some of the conditions that are regulated by this law after he/she obtained a temporary residence permit continuously for five (5) years.

One of the main documents, when applying for a temporary residence permit for work purposes, is the proof of qualification translated into Albanian; this is applicable in every situation except when the applicant is the owner of the company.

Work and residence permits issued to a foreigner in accordance with the provisions of the legislation in force, before the entry into force of this law, shall be valid until the end of their date of termination, unless annulled by the responsible state authorities or become invalid, pursuant to the provisions of this law, or bylaws issued for its implementation.

## II. **Law No. 04/L-237 amending Law No. 04/L-042 on Public Procurement in the Republic of Kosovo**

The following are the basic features of the amendments to the Law on Public Procurement:

### **Priority for Domestic Bidders**

A new Article 60.A was inserted, which provides for privileged treatment of domestic bidders during the procurement process.

In the event that bids are submitted by domestic and foreign bidders for the provision of services, supply or works, the contracting authority is required to select the bid of the most advantageous domestic bidder, provided that the difference in the final amount of points collected between the most advantageous bid of the foreign bidder and the most advantageous bid of the domestic bidder is not more than ten (10) points in comparison with the bid of foreign bidder.

The new provision also regulates the criteria according to which a bidder is to be considered a domestic bidder. A bidder will be considered a domestic bidder if the bidder and its subcontractor are resident legal persons, in terms of the law governing income taxes of legal persons or resident natural persons in terms of the law governing income taxes of citizens.

In case of joint bid, the group of bidders will be considered a domestic bidder, if each member of the group is a person referred to as above.

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