IMPLEMENTATION OF THE LAW ON FOREIGNERS AND THE LAW ON VEHICLES IN KOSOVO:

KEY ISSUES AND PRACTICAL IMPLICATIONS

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INTRODUCTION

This report brings together insights from the Community Pulse Forum Thematic Dialogue on the Law on Foreigners and the Law on Vehicles, complemented by background information on the relevant legal framework, institutional messaging, and previously identified areas of uncertainty. While the Community Pulse Forum discussion serves as a source of empirical insight, the report also situates these perspectives within a broader policy, legal, and institutional context affecting the implementation of both laws.

Taken together, this approach provides both an overview of the circumstances in which the discussion took place and an evidence-based account of how the two laws are perceived and experienced in practice. The purpose of this document is threefold:

- to outline the broader legal, political, and institutional context in which the two laws are being implemented;
- to systematize the key problems, risks, and ambiguities identified through the Community Pulse Forum discussion as well as other well-documented concerns;
- to situate these findings within a wider cumulative context affecting legal certainty, social stability, and trust in institutions, particularly among non-majority communities.

The report focuses on the practical effects and perceived consequences of the implementation of the Law on Foreigners and the Law on Vehicles, rather than on questions of their formal legality or constitutionality. It draws on lived experiences and observed practices to assess how these laws function in practice under current institutional and political conditions.

BACKGROUND AND CONTEXT

WHY THESE LAWS MATTER AT THIS MOMENT

Although both the Law on Foreigners and the Law on Vehicles have been in force for several years, their practical relevance has increased in light of recent public communication by Kosovo institutions. Official statements have indicated that full enforcement of the Law on Foreigners is scheduled to begin on 15 March 2026, following two earlier postponements — from an initial announcement of 1 October, to 15 January, and subsequently to 15 March.

For many residents, this messaging has generated a pronounced sense of urgency and anxiety. The concern is not primarily about the existence of the laws themselves — similar regulatory frameworks exist in many countries — but about the fact that their implementation is unfolding within a highly specific context of unresolved political and institutional relations in Kosovo. Under such conditions, the application of these laws risks placing many individuals in situations of legal uncertainty and practical difficulty, not because of the rules per se, but because the broader context in which they are enforced remains unresolved.

Beyond the legal content of the two laws, recent public communication by institutions has played a significant role in shaping perceptions of urgency and risk. Repeated announcements of enforcement deadlines, combined with an emphasis on sanctions, have not been accompanied by equally clear and accessible guidance on procedures, safeguards, or available remedies. As a result, uncertainty stems not only from the substance of the laws, but also from the way their implementation has been publicly framed and communicated.

LAW ON FOREIGNERS

Under the Law on Foreigners, a “foreigner” is defined as any person who does not hold Kosovo citizenship, regardless of ethnicity, place of birth, or length of residence.
Foreign nationals are generally required to:

- register their address of stay with the competent authorities within prescribed deadlines, including the obligation to report any change of address within a legally defined period;
- respect the distinction between short-term and longer-term stay, whereby short-term stay is limited to 90 days within a 180-day period, unless a visa or residence permit is required;
- apply for a temporary residence permit when staying longer than 90 days or when residing for specific purposes, including but not limited to employment, education, scientific research, family reunification, humanitarian reasons, or other legally recognized purposes;
- demonstrate the purpose of stay through appropriate documentation (e.g. proof of employment, enrollment in an accredited educational institution, family ties, or contractual arrangements), as required for the relevant category of residence;
- possess valid personal and travel documentation, including a valid travel document, and, where applicable, a visa or residence permit, as well as proof of sufficient means of subsistence and health insurance;
- comply with registration, reporting, and renewal obligations, including timely submission of applications for extension or renewal of residence permits and cooperation with competent authorities during administrative procedures;

Failure to comply with these obligations may result in administrative sanctions, fines, denial or revocation of residence permits, or decisions on voluntary or forced return, subject to appeal procedures defined by law.

KEY PROBLEMS

Across both the Law on Foreigners and the Law on Vehicles, documentation barriers emerge as a central and cross-cutting structural problem. Difficulties in obtaining or recognizing personal documents — particularly in relation to civil status, residence registration, employment, and education — function as a systemic bottleneck that directly affects individuals’ ability to comply with legal requirements.

Rather than operating as isolated administrative obstacles, these documentation barriers generate cascading effects across multiple regulatory domains, shaping how both laws are experienced and enforced in practice.

1. LONG-TERM RESIDENTS UNABLE TO OBTAIN KOSOVO-ISSUED DOCUMENTATION

This category consists of two distinct subgroups of individuals who, despite long-term connections to Kosovo, remain unable to obtain Kosovo-issued documentation.

The first subgroup includes individuals who fulfil the legal and constitutional criteria for Kosovo citizenship and should therefore be subject only to the procedure for verification of the right to citizenship. Instead, they are often required to undergo the significantly more demanding and lengthy process of naturalization.

The second subgroup consists of individuals who have lived in Kosovo for extended periods of time and are deeply embedded in local social, economic, and family life. In practical terms, they are not newcomers or temporary residents. Many meet the substantive conditions typically associated with lawful residence for the purpose of naturalization, including stable housing, employment, education, and established family ties.

Despite the differences between these two subgroups, both face similar structural barriers in accessing Kosovo-issued documentation. These barriers stem from the non-recognition of Serbia-issued documentation, unresolved civil status records, fragmented administrative systems, and inconsistent procedural practices. In many cases, individuals are requested to provide additional documentation that is not clearly prescribed by law, receive contradictory instructions from different officials, or are asked to obtain documents that are practically impossible to secure.

However, the situation of the first subgroup raises particularly significant legal concerns. These individuals possess a constitutional right to citizenship as descendants of citizens of the former Federal Republic of Yugoslavia who were habitually residing in Kosovo on 1 January 1998. In practice, access to this constitutional right has become doubly conditioned.

First, a sublegal act—an administrative instruction—restrictively interprets the notion of “descendants” as applying only to individuals younger than 18. This interpretation effectively establishes an age-based cut-off point after which individuals are no longer able to pursue verification of their right to citizenship and are instead required to apply through the more complex process of naturalization.

Second, once redirected to the naturalization procedure, many applicants face an additional obstacle: passports issued by the Serbian Ministry of Internal Affairs are frequently not accepted as valid documentation for residence registration. As residence registration is a prerequisite for initiating the naturalization procedure, individuals may find themselves unable to begin the process at all.

This documentation barrier also affects the second subgroup—individuals without a parental birthright to Kosovo citizenship—although for them the passport issue is only one among several administrative challenges encountered during the naturalization process.

As a result of these combined factors, including practices that effectively condition access to constitutionally guaranteed rights, formal compliance with the Law on Foreigners becomes structurally unattainable for many long-term residents. Despite their factual integration and prolonged presence in Kosovo, these individuals may be legally classified and treated as “foreigners,” creating a profound mismatch between lived reality and legal status. In the absence of transitional arrangements or tailored solutions, long-term residence does not translate into legal security, contributing to sustained legal uncertainty and vulnerability.

2. EMPLOYEES AND STUDENTS LINKED TO SERBIA-RUN INSTITUTIONS

A second group disproportionately affected includes professionals and students whose employment or education is linked to Serbia-run institutions, particularly in the fields of healthcare and education. This group includes doctors, professors, teachers, and students who may reside partially or entirely outside Kosovo, or whose institutional affiliation does not align with formally recognized residence categories.

For these individuals, the central challenge lies in demonstrating a legally recognized "purpose of stay" under the Law on Foreigners. Employment contracts, enrollment certificates, and institutional documentation issued by Serbia-run institutions are frequently not recognized by Kosovo authorities, placing individuals in a position where their professional or educational engagement cannot be easily translated into compliant legal status. This uncertainty is further compounded by the fact that Kosovo authorities do not recognize the legal status of Serbia-run institutions, leaving unresolved whether documents issued by these institutions can be accepted as valid proof for residence regulation purposes.

This situation creates heightened risks of fines, loss of residence status, or removal measures, even where individuals perform socially essential functions or pursue education in good faith. Students living in dormitories face additional uncertainty related to address registration, while professionals employed in healthcare and education may face sanctions despite long-standing service to local communities.

In both cases, non-compliance does not stem from evasion or unwillingness to follow the law, but from structural incompatibilities between existing institutional realities and the formal requirements of the legal framework.

3. INTERNALLY DISPLACED PERSONS (IDPS)/REFUGEES FROM KOSOVO

A further category potentially affected by the implementation of the Law on Foreigners consists of internally displaced persons (IDPs) originating from Kosovo who do not possess Kosovo-issued documentation. Although these individuals were displaced from Kosovo and are recognized in various administrative and humanitarian contexts as displaced persons, they may formally fall within the definition of a "foreigner" under the Law on Foreigners if they do not hold Kosovo citizenship.

For many IDPs, documentation gaps stem from displacement-related circumstances, including loss of records, unresolved civil status registration, and prolonged residence outside Kosovo. In the absence of tailored legal mechanisms or transitional safeguards, such individuals may be required to regulate their stay as foreign nationals when present in Kosovo, despite their displacement history and long-standing connection to the territory.

This creates a particularly sensitive legal situation, as individuals displaced from Kosovo could be treated as foreigners in relation to their place of origin. The lack of clarity regarding how IDP status interacts with residence requirements under the Law on Foreigners risks compounding existing vulnerabilities and may raise concerns regarding legal certainty, proportionality, and consistency with broader displacement-related protections.

LAW ON VEHICLES

Under the Law on Vehicles, vehicles participating in road traffic in Kosovo are required to be registered and operated in accordance with the law, regardless of the place of registration, ownership, or the citizenship of the driver.

Vehicle owners and drivers are generally required to:

- ensure that the vehicle is duly registered and that registration documents are valid and recognized for use in road traffic in Kosovo;
- comply with prescribed technical and safety standards, including mandatory technical inspections and insurance requirements;
- respect the distinction between vehicles registered in Kosovo and vehicles registered abroad, including the rule that foreign-registered vehicles may generally participate in road traffic in Kosovo for up to three (3) months from the date of entry, subject to additional conditions;
- comply with differentiated time limits applicable to the use of foreign-registered vehicles, which may vary depending on ownership, citizenship, residence or stay status, and the country of registration;
- demonstrate lawful ownership or valid authorization to use the vehicle, particularly where the driver is not the registered owner;
- carry valid vehicle documentation at all times, including proof of registration, technical inspection, insurance, and, where applicable, written authorization to operate a vehicle owned by another person;
- cooperate with competent authorities during traffic controls, inspections, and enforcement procedures, including verification of compliance with applicable time limits.

According to publicly available guidance issued by the Ministry of Internal Affairs, additional distinctions apply in practice, including:

- shorter permissible use periods in certain cases (e.g. as little as eight (8) days where the driver does not have regulated residence in the country of vehicle registration);
- restrictions on authorization-based use of foreign-registered vehicles, including cases where the presence of the vehicle owner is required;
- specific rules related to the use of foreign driving licences, which may be valid for up to one (1) year for certain categories of drivers.

While formally presented as clarifications, these distinctions significantly shape how the law is experienced and enforced in practice.

Failure to comply with these obligations may result in administrative sanctions, fines, restrictions on vehicle use, or seizure of the vehicle, in accordance with applicable legislation.

KEY PROBLEMS

As with the Law on Foreigners, the implementation of the Law on Vehicles is heavily shaped by unresolved documentation issues, which condition individuals' ability to demonstrate lawful vehicle use, residence status, and authorization.

1. OWNERS OF VEHICLES REGISTERED IN SERBIA

The first group consists of individuals who drive vehicles registered in Serbia that are owned by them personally. For many of these individuals, such vehicles represent their primary or only means of transportation, essential for accessing work, healthcare, education, and other basic services.

While the legal framework allows the use of foreign-registered vehicles for a limited period — most commonly up to three months from the date of entry — the guidance provided by authorities reveals a multiplicity of parallel time regimes, depending on residence status, citizenship, and other conditions. This complexity makes it difficult for vehicle owners to determine which rules apply to them in practice.

Uncertainty persists regarding how entry dates are calculated, how repeated entries are treated, and how the lawful use of a vehicle interacts with the driver's residence or stay status. As a result, individuals who lawfully own their vehicles may nonetheless face restrictions on use, fines, or seizure, not because of unlawful conduct, but due to overlapping rules and inconsistent interpretation.

2. DRIVERS OPERATING VEHICLES REGISTERED IN SERBIA ON THE BASIS OF AUTHORIZATION

The second group includes individuals who operate vehicles registered in Serbia on the basis of authorization, not as an exceptional or auxiliary arrangement, but as a primary and long-term solution for everyday mobility. These individuals often reside permanently in Kosovo and rely on authorization-based vehicle use precisely because their residence status prevents them from registering a vehicle in their own name on Serbia-issued license plates. This form of vehicle use is not incidental, but reflects a widespread adaptation to residence and registration constraints, whereby individuals who permanently reside in Kosovo are structurally unable to register vehicles on Serbia-issued license plates in their own name.

In practice, vehicles are frequently registered in the name of another person — typically someone with registered residence in Serbia — who is legally able to complete vehicle registration. The authorized driver, however, is the primary user of the vehicle and depends on it for daily activities, including commuting to work, accessing healthcare, education, and essential services.

Under the current regulatory framework, authorization-based use of foreign-registered vehicles is subject to particularly restrictive and conditional regimes. Requirements related to the presence of the vehicle owner, residence in the country of vehicle registration, or authorization issued abroad fail to reflect this reality, treating authorization-based use as temporary or exceptional rather than structurally necessary.

As a result, individuals who are the de facto primary drivers of their vehicles may possess valid authorization, insurance, and driving licences, yet remain unable to meet formal conditions tied to residence or owner presence. This transforms a stable and necessary arrangement into a source of ongoing legal uncertainty.

Authorization-based drivers are also disproportionately exposed during roadside inspections, where the formal status of authorization is more easily challenged. The gap between lived practice and regulatory assumptions increases the risk of immediate sanctions and reinforces perceptions of unpredictability and selective enforcement.

3. INSTITUTIONAL VEHICLE USE AND SERVICE DELIVERY IMPLICATIONS

The challenges related to the implementation of the Law on Vehicles do not affect only private individuals. They also extend to the use of official vehicles operated by institutions functioning in Kosovo, a number of which continue to rely on vehicles registered in Serbia.

As a result, vehicle-related restrictions and time limits have implications not only for individual mobility, but also for the operational capacity of institutional services, particularly in sectors such as education and healthcare, where everyday functioning depends on the regular use of official vehicles.

BROADER AND CUMULATIVE EFFECTS

Beyond their immediate legal provisions, the implementation of the Law on Foreigners and the Law on Vehicles must be understood within a broader and cumulative context of ongoing institutional and regulatory change. This includes announced and ongoing efforts to integrate Serbia-run education and healthcare institutions, shifts in administrative governance, and the continued absence of the Association/Community of Serb-majority Municipalities (ASM/CSM) as a structured mechanism for addressing community-specific needs.

These developments are unfolding largely outside established dialogue frameworks and without the protective or transitional arrangements that were envisaged to accompany such sectoral transformations. In this context, the application of regulatory measures cannot be viewed in isolation from the wider institutional environment in which they operate.

Legal insecurity arises not only from the substance of the laws themselves, but also from the manner and timing of their implementation. Public communication has emphasized enforcement deadlines and sanctions — particularly in connection with the announced start of full enforcement — without providing corresponding clarity regarding procedures, safeguards, or realistic transitional pathways. This has contributed to heightened uncertainty among affected individuals.
The cumulative impact of these measures extends beyond questions of formal legal compliance. Residence-related requirements and vehicle-use restrictions directly affect the mobility, legal status, and everyday functioning of students, healthcare workers, professors, and other professionals whose engagement is essential to the operation of education and healthcare systems. In sectors already undergoing sensitive and politically charged transformation, regulatory uncertainty risks indirectly constraining service delivery and affecting continuity and quality of provision.

When multiple legal and administrative measures are introduced in parallel — without adequate coordination, dialogue, or institutional anchoring — their combined effect can be a deepening sense of legal vulnerability. This is particularly visible in areas central to daily life, including access to education, healthcare, employment, and freedom of movement.
In this setting, there is a risk that regulatory compliance becomes treated as a substitute for functional integration. Formal alignment with administrative requirements does not, in itself, resolve the institutional and governance questions necessary for sustainable and legitimate integration of services. Without negotiated and institutionally anchored arrangements — such as those originally envisaged through ASM/CSM — regulatory measures may be perceived as unilateral instruments of restructuring rather than components of a coherent and consensual integration process.

Under such conditions, the cumulative effect of these parallel developments risks undermining legal certainty, weakening institutional trust, and intensifying social fragility rather than consolidating stability.

CONCLUDING OBSERVATIONS

The combined insights from the Community Pulse Forum discussion and the broader contextual analysis lead to a consistent conclusion: the primary concerns identified do not stem from the formal wording of the laws themselves, but from the political, administrative, and institutional environment in which their implementation is unfolding.

When applied in parallel with announced integration measures in education and healthcare — and in the continued absence of the Association/Community of Serb-majority Municipalities (ASM/CSM) — these laws risk operating not merely as technical regulatory instruments, but as mechanisms that indirectly reshape institutional realities without resolving underlying structural questions. This dynamic raises concerns not only about legal insecurity and unequal impact, but also about the sustainability, legitimacy, and long-term viability of integration processes pursued under such conditions.

Mitigating these risks requires more than formal alignment with European regulatory standards. It demands clear and accessible communication, realistic and inclusive transitional arrangements, accommodation or recognition of existing documentation, and consistent, non-discriminatory enforcement.

Crucially, sectoral reforms and integration efforts must be embedded in agreed and institutionally anchored frameworks — particularly those originally envisaged to address community-specific and sectoral governance issues, including through ASM/CSM.

Absent such measures, the cumulative effect of these parallel developments risks further eroding trust in institutions, constraining the functioning of essential public services, and deepening existing social divisions rather than consolidating legal certainty and institutional stability.



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