

# LAW

## ON FOREIGNERS

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*PUBLISHER'S NOTE: The Law on Amendments and Supplements to the Law on Foreigners ("Official Gazette of the RS", number 31/2019) entered into force on the eighth day from the date of its publication in the "Official Gazette of the Republic of Serbia", i.e. on May 7, 2019, save for the provisions of Articles 1 and 5 (amending Articles 22 and 41 of the Law) which shall be applied from January 1, 2020 and the provisions of Article 6 (which added the title above Article 41a and Article 41a) which shall be applied as of December 1, 2020 (see Article 18 of the Law - 31/2019-7) (the text of the Law prior to the amendments from no. 31/2019 are available on the right in the section "Versions of the revised text" ;).*

*The Law on Amendments and Supplements to the Law on Foreigners ("Official Gazette of the RS", no. 62/2023) entered into force on the eighth day from the date of its publication in the "Official Gazette of the Republic of Serbia", i.e. on August 4, 2023, and the provisions of Article 1, paragraph (2), Article 8, paragraph (2), Article 9, Article 11, paragraph (3), Article 12, paragraph (2), Article 14, Article 15, paragraph (1), Article 17, paragraph (2) and (3), Article 19, Article 20, Article 22, Article 23, paragraph (3), Article 24, paragraph (3), Article 28, paragraph (5), Article 31, paragraph (3), Article 37, Article 38, Article 40, Article 44, Article 45, paragraph (1), Article 46, Article 49, paragraph (2) and Article 50, paragraph (2), (3) and (7) of this Law shall be applied as of February 1, 2024 (see Article 54 of the Law - 62/2023-56)*

### I. GENERAL PROVISIONS

#### Scope

##### Article 1

This law shall regulate the criteria for entry, movement, stay and return of foreigners, as well as the competences and tasks of state authorities in the Republic of Serbia with regard to entry, movement and stay of foreigners on the territory of the Republic of Serbia and their return from the Republic of Serbia.

#### Implementation

##### Article 2

- (1) This law shall not apply to foreign nationals who:
  - 1) Have applied for asylum or have been granted asylum or temporary protection in the Republic of Serbia, unless otherwise determined by the law;
  - 2) Enjoy privileges and immunities in accordance with international law, with regard to the provisions hereof that are excluded as a result of these privileges and immunities;

- 3) Have been granted refugee status in accordance with the Law on Refugees (Official Gazette of the Republic of Serbia, No. 18/92, 45/2002 and 30/2010).

(2) Stateless persons shall be subject to provisions of the Convention relating to the status of stateless persons, if this is more favourable to them.

## **Definitions**

### **Article 3**

- (1) Specific terms used in this Law shall have the following meanings:
  - 1) **Foreigner** means any person who does not have the citizenship of the Republic of Serbia;
  - 2) **Competent authority** means an organisational unit of the Ministry of Interior, Police Directorate – away from the Head Office, performing tasks related to movement and stay of foreigners;
  - 3) **Border police** means organisational unit of the Ministry of Interior, Police Directorate – in the Head Office, performing tasks related to border control and tasks related to movement and stay of foreigners;
  - 4) **Diplomatic or consular mission of the Republic of Serbia** means a permanent diplomatic mission and consular representation of the Republic of Serbia abroad, authorised to issue visas, as defined in the Vienna Convention on Consular Relations;
  - 5) **Entry** means the arrival of a foreigner in the territory of the Republic of Serbia after having crossed the state border, i.e. a border crossing point under border control, whereas a stop of a foreigner in the transit area of international airport, port anchorage or harbour, shall not, within the meaning of this Law, be regarded as entry into the Republic of Serbia;
  - 6) **Transit** means passing through the territory of the Republic of Serbia;
  - 7) **Border control** means identity and document checks, inspection of the vehicle and possessions at the border crossing point regarding the intended crossing of the state border, or immediately after the crossing of the state border, as well as other control-related tasks in accordance with the law;
  - 8) **Reasons of safeguarding the security of the Republic of Serbia** means an expression of the need to protect vital and lasting national values laid down in the Constitution and the law, including the security of the citizens of the Republic of Serbia;
  - 9) **Stateless person** means a person who is not considered as national by any country under its national legislation;
  - 10) **Country of origin** means the country of citizenship that a foreigner possesses, or a country of usual residence of a stateless person;
  - 11) **Usual residence** means a place where a foreigner stayed under circumstances based on which it can be concluded that stay in this place or area was not only temporary;
  - 12) **Foreign travel document** means a personal, family, collective, diplomatic or service passport, seafarer's identification and record books containing a visa and other document recognised by international treaties as travel document, based on which the identity of its holder can be determined, which has not expired and which has been issued in

accordance with the regulations of a foreign country, or with a relevant act of an international organisation;

- 13) foreigner's identity card** means an identity document issued to a foreigner with permanent residence and is a permit for permanent residence of a foreigner in the Republic of Serbia;\*
- 13a) one single permit** means a permit for temporary residence and work of a foreigner in the Republic of Serbia;\*
- 13b) temporary residence permit** means the granting of temporary residence to a foreigner in the Republic of Serbia;\*
- 13c) the unique web portal (hereinafter: the unique portal)** means a publicly accessible portal on the Internet through which requests are submitted that foreign citizens, in accordance with this Law, can submit electronically, and which is technically maintained by the body responsible for designing, harmonizing, developing and functioning of electronic administration;\*
- 14) **Carrier** means a legal entity, entrepreneur or natural person registered as provider of public passenger transportation services by air, road, waterway or railway;
- 15) **Minor** means a foreigner under the age of eighteen;
- 16) **Unaccompanied minor** means a foreigner who is under the age of eighteen and who at the moment of entry or after entry into the Republic of Serbia has lost the company of parent or guardian or responsible adult;
- 17) **Employment** means to permanently or temporarily engage a foreigner within the meaning of the regulations governing employment of foreigners in the Republic of Serbia;
- 18) **Family reunification** means entry and stay of nuclear family members of a Serbian national, or of a foreigner who is legally staying in the Republic of Serbia with the aim to preserve family unity;
- 19) **Student** means a foreigner enrolled in an accredited tertiary education institution, in accordance with the regulations governing tertiary education;
- 20) **Pupil** means a foreigner enrolled in primary or secondary school in accordance with the regulations governing primary and secondary education;
- 21) **Scientific research** means creative work undertaken on a systematic basis in order to increase the level of knowledge and its application in all fields of science, in accordance with the regulations governing scientific research activity;
- 22) **Scientific research organisation** means a public or private organisation conducting scientific research in the Republic of Serbia;
- 23) **Researcher** means a foreigner holding a PhD in a specific field of science, or equivalent level of tertiary education enabling him to access PhD programmes, and chosen by a research organisation to carry out his research activity;
- 24) **Vulnerable persons** means persons with disabilities, elderly, pregnant women, single parents with minor children, victims of torture, rape or other severe forms of violence (including domestic violence, intimate partner violence that can be caused by sex, gender, sexual orientation and

gender identity), victims of trafficking in human beings, persons faced with threat of torture, inhumane and degrading treatment or punishment in their country of origin because of their sexual orientation or gender identity, minors and unaccompanied minors;

- 25) **Illegal stay** means the presence of a foreigner on the territory of the Republic of Serbia, who does not, or no longer meets the criteria for entry or further stay on the territory of the Republic of Serbia;
- 26) **Return** means the procedure of returning a foreigner, whether voluntarily or forcibly, to his country of origin, country of transit in accordance with bilateral agreements or readmission agreements, or to a country to which the foreigner is returning voluntarily and in which he will be accepted;
- 27) **Forced removal** means the enforcement of the obligation to return, including the use of police powers;
- 28) **Reception centre for foreigners (hereinafter: reception centre)** means a facility accommodating foreign nationals who have not been allowed entry into the country, or against whom expulsion or removal, or return orders have been issued, but cannot be enforced immediately, and who have been, in accordance with the law, imposed stay under close police watch.
- 29) **Registered address** means town, municipality, settlement, street, house number, floor and unit number where the foreigner intends to stay throughout the duration of his temporary residence permit.

\*Official Gazette of the Republic of Serbia, no. 62/2023

## Gender-Neutral Language

### Article 4

All terms used in this Law shall have equal gender meaning, regardless of the use of the male or the female gender and shall apply equally to both the male and the female gender.

## Using the Travel Document

### Article 5

(1) Foreigner with multiple citizenships shall be considered national of the country that has issued the travel document he used to enter into the Republic of Serbia.

(2) During the stay in and upon departure from the Republic of Serbia, the foreigner must use the travel document of the country he used to enter into the Republic of Serbia.

(3) Should a foreigner change his name or surname during his stay in the Republic of Serbia, he shall obtain a new travel document with the changed personal data within six months of such change of personal data.\*

\*Official Gazette of the Republic of Serbia, no. 62/2023

## **Entry and Stay of Foreigners**

### **Article 6**

A foreigner may enter into and stay in the Republic of Serbia, under the criteria referred to in this Law, using a valid travel document containing a visa or residence permit, unless otherwise defined by the law or international treaty.

## **Respect for the Rule of Law**

### **Article 7**

(1) A foreigner must cooperate with state authorities which, in accordance with this Law, are responsible for the tasks related to foreigners, and present all the necessary documents, evidence and information necessary to conduct proceedings in accordance with this Law, which the competent authority cannot provide by itself.

(2) A registration number shall be allocated to a foreigner by the competent authority, *ex officio* or upon request.

(3) The structure of a foreigner's registration number shall be determined in accordance with the provisions of the Law on the Unique Master Citizen Number, by allocating a foreigner with permanent residence and foreigner granted asylum in the Republic of Serbia registry number 06, and other categories of foreigners registry number 66.

(4) With the aim to conduct proceedings stipulated in this Law, **taking and\*** the collection of a foreigner's biometric data (photograph, finger and palm prints and signature) shall be done in accordance with the regulation governing records and data processing in the area of internal affairs.

**\*Official Gazette of the Republic of Serbia, no. 62/2023**

## **Obligations of State Authorities, Natural Persons and Legal Entities**

### **Article 8**

(1) State authorities, legal entities, entrepreneurs or natural persons must, without delay, notify the competent authority of a foreigner staying illegally or meeting criteria for the termination of rights to temporary or permanent residence in the Republic of Serbia.

(2) The court that has passed a final judgement finding a foreigner guilty of a perpetrated criminal offence, for which the foreigner is being prosecuted *ex officio*, or of a misdemeanour, must notify the competent authority thereof without delay.

(3) The Prison Administration must, before releasing a foreigner, notify the competent authority thereof.

## **Safeguarding the Security of the Republic of Serbia and Its Citizens in the Decision-Making Procedure on the Rights and Duties of a Foreigner**

### **Article 9**

(1) In the decision-making procedure on the rights and duties of a foreigner regarding his entry and stay on the territory of the Republic of Serbia, the Ministry of Interior shall obtain a statement from the competent state authority responsible for safeguarding the security of the Republic of Serbia in relation to whether the entry or stay of the foreigner on the territory of the Republic of Serbia presents an unacceptable security-related risk.

(2) With the aim to prevent crime and promote the protection of public safety, the security risk assessment for entry or stay of a foreigner on the territory of the Republic of

Serbia can be made by the organisational unit of the Ministry of Interior responsible for combating organised crime and terrorism.

(3) Unacceptable security-related risk shall exist if available data and knowledge indicate that a foreigner advocates, encourages, aids, prepares or undertakes activities threatening the constitutional order and security of the Republic of Serbia, assets protected by international law and national, regional and global security issues of importance for the Republic of Serbia and its legal system.

(4) During the procedure of making the security risk assessment, the authorities referred to Paragraph (1) and (2) of this Law shall collect and check personal and connected information, in accordance with the regulation governing records and data processing in the area of internal affairs.

(5) During the procedure referred to in Paragraph (4) of this Article, an interview may be conducted with the person on whose rights and duties the decision is being made, persons connected to him and other persons; data may be collected from legal entities, competent state authorities; registries, records, data collections and databases kept based on the law may be examined, and other actions may be undertaken in accordance with the law and regulations adopted based on the law.

(6) The authorities referred to Paragraph (1) and (2) of this Law, in the procedure of making the security risk assessment, based on collected information, shall consider whether the entry and stay of foreigner on the territory of the Republic of Serbia is a threat to the security of the Republic of Serbia and its citizens, to the extent it presents an unacceptable security-related risk.

(7) Information referred to in Paragraph (5) of this Article shall be classified as secret in the level and in accordance with the provisions of the law governing data secrecy.

(8) If in the procedure of decision-making on the rights and duties of the foreigner it is assessed that the entry and stay of the foreigner on the state territory presents an unacceptable security-related risk, the decision denying entry or stay of the foreigner on the territory of the Republic of Serbia shall be made by the competent authority, unless there are reasons for this referred to in Article 83, Paragraph (3) of this Law.

(9) In the procedure of deciding on appeal, the higher instance authority shall have access to the facts and circumstances serving as basis for the negative assessment of security-related risk and shall handle them in accordance with the provisions of the law governing data secrecy.

### **Procedural Rules in the Decision-Making Procedure on the Rights and Duties of a Foreigner**

#### **Article 10**

(1) In the decision-making procedure on the rights and duties of the foreigner prescribed in this Law, the provisions of the law governing general administrative procedure shall apply, unless provided otherwise in this Law.

(2) Administrative matters prescribed by this Law shall be resolved through an immediate decision-making procedure.\*

\*Official Gazette of the Republic of Serbia, no. 62/2023

## **II. ENTRY INTO AND DEPARTURE OF FOREIGNERS FROM THE REPUBLIC OF SERBIA**

### **Border Control**

#### **Article 11**

Foreigners shall undergo border control checks when entering into or departing from the Republic of Serbia, in accordance with the law.

### **Entry and Departure Based on a Group Travel Document**

#### **Article 12**

(1) A foreigner who is included in the travel document of another person may enter into and depart from the Republic of Serbia only if accompanied by the person in whose travel document he is included.

(2) Foreigners possessing a group travel document may enter into and depart from the Republic of Serbia together.

(3) Foreigners included in a group travel document must also have a personal document with photograph, based on which their identity may be determined.

(4) Group leader must have his own travel document.

### **Duties of Carriers**

#### **Article 13**

(1) A carrier may transport a foreigner to a border crossing point only if the foreigner is in possession of a valid travel or other document containing a visa or residence permit, unless determined otherwise by the law or international treaty.

(2) If a foreigner has been refused entry to the Republic of Serbia, the carrier that transported him must transport him back, without delay, at his expense. If it is not possible to provide transportation within a reasonable timeframe, the carrier shall cover the costs of stay and forced removal of the foreigner from the Republic of Serbia.

(3) The provisions of Paragraph (2) of this Article shall also apply to the carrier that transported a foreigner to the international transit area of an airport, if another carrier has refused to transport him to his country of destination, or if the foreigner is banned from entering the country of destination.

(4) If a foreigner who came to the Republic of Serbia as participant of a tourist or business trip is staying illegally in the Republic of Serbia and his illegal stay has resulted from a fault on the part of the agency that organised the tourist or business trip, the organiser must, if the foreigner cannot afford it, cover the costs of his stay and forced removal.

(5) The obligation referred to in paragraph (4) of this Article shall also apply to a natural or legal person on the basis of whose invitation letter a visa was issued to a foreigner, if, upon entering the Republic of Serbia the foreigner was found to be staying illegally and if his illegal stay was due to the negligence of the inviter.\*

\*Official Gazette of the Republic of Serbia, no. 62/2023

### **Special obligations – legality of stay\***

#### **Article 13a\***



(1) The organizer of a tourist or business trip, i.e. the inviter, shall be bound to ensure that a foreigner coming to the Republic of Serbia in their organization, i.e. on the basis of an invitation letter, resides in the country in accordance with the provisions of this Law and to take measures to prevent the illegal stay of a foreigner upon entering the Republic of Serbia.\*

(2) In order to reduce the risk of illegal stay of a foreigner, the organizer of a tourist or business trip, i.e. the inviter, shall be bound to take measures and actions related to ensuring the conditions for his legal stay in the territory of the Republic of Serbia, and in particular for:\*

(3) the foreigner to reside in the territory of the Republic of Serbia in accordance with the provisions of this Law;\*

(4) once the tourist or business trip is over, i.e. within the validity period of the visa issued on the basis of the inviter's invitation letter, provide the foreigner with a travel ticket in order to legally leave the territory Republic of Serbia.\*

(5) If a foreigner entered the Republic of Serbia with a visa for a longer stay on the basis of employment, the inviter, on the basis of whose invitation letter the visa was issued, shall be bound to take measures and actions related to ensuring the conditions for his legal stay and work in to the Republic of Serbia, and in particular for:\*

(6) the foreigner to work in the territory of the Republic of Serbia, in accordance with the provisions of this Law and the regulations regulating the employment of foreigners in the Republic of Serbia;\*

(7) purpose of proper registration of the foreigner for compulsory social insurance, in accordance with the law;\*

(8) providing the foreigner, after completing the business activities for which he came to the Republic of Serbia, with a travel ticket for his return to the country of origin in order to legally leave the territory of the Republic of Serbia.\*

\*Official Gazette of the Republic of Serbia, no. 62/2023

## **Illegal Entry**

### **Article 14**

(1) The following entry into the Republic of Serbia shall be considered illegal:

- 1) Away from the place designated for the crossing of the state border;
- 2) By avoiding border control;
- 3) Without travel or other document required to cross the state border;
- 4) By using another person's, invalid or false travel or other document;
- 5) By providing untruthful information to the border police;
- 6) During the period in which the protective measure of removal, or the security measure of expulsion is in effect, or during the period of an entry ban.

(2) It is forbidden to aid or attempt to aid a foreign national to illegally enter the Republic of Serbia, transit through the territory of the Republic of Serbia or stay on the territory of the Republic of Serbia.

(3) Aid within the meaning of Paragraph (2) of this Article, shall not include aid to save life, prevent injury, provide emergency medical assistance, provide humanitarian assistance, or for humanitarian reasons, without any intention to prevent or delay forced removal.



## Refusal of Entry

### Article 15

(1) The border police shall refuse entry into the Republic of Serbia to a foreigner if:

- 1) The foreigner does not have a valid travel document or visa, if required;
- 2) The foreigner does not have sufficient means of subsistence during his stay in the Republic of Serbia, for return to his country of origin or transit to another country, or is not in other ways provided with subsistence during his stay in the Republic of Serbia;
- 3) The foreigner is in transit, but does not meet the criteria for entry into the next country of transit or country of final destination;
- 4) The foreigner has been issued protective measure of removal, security measure of expulsion, or a ban on entry into the Republic of Serbia, which is in effect;
- 5) The foreigner does not have a certificate of inoculation or other proof of good health, if coming from areas affected by an epidemic of infectious diseases;
- 6) The foreigner does not have travel medical insurance for the intended period of stay in the Republic of Serbia;
- 7) It is required by reasons of safeguarding the security of the Republic of Serbia and its citizens;
- 8) It is determined that there is a negative outcome of the security-related risk assessment related to the entry and stay of the foreigner on the territory of the Republic of Serbia, within the meaning of Article 9 in this Law;
- 9) It represents an obligation of the Republic of Serbia related to the enforcement of international restrictive measures;
- 10) If it is established that the foreigner is using forged documents;
- 11) If the foreigner has already stayed in the Republic of Serbia for 90 days within a period of 180 days, if it is not determined otherwise in international treaty, unless he has a long-term visa (D visa) or temporary residence permit;
- 12) There are valid reasons to believe that the stay will not be used for intended purpose;
- 13) There is reasonable doubt that he will not leave the Republic of Serbia before the visa validity period expires, or if there is a possibility of illegal migration upon entry into the Republic of Serbia.

(2) Entry shall be refused by issuing a decision of refusal of entry on a prescribed form, stating the reasons for refusing entry referred to Paragraph (1) of this Article. The refusal of entry shall be recorded in the travel document of the foreigner.

(3) Exceptionally, the foreigner related to whom it is established that there are some of the obstacles referred to in Paragraph (1) of this Article may be granted entry into the Republic of Serbia out of humanitarian reasons, interest for the Republic of Serbia, or if required by the international commitments of the Republic of Serbia.

(4) Entry shall be granted in a decision on approval of entry, issued on a prescribed form, stating the reason for entry, place and address of accommodation in the Republic of Serbia, the duration of the foreigner's legal stay in the Republic of Serbia and border crossing point that the foreigner must use to depart from the Republic of Serbia.

(5) The layout and content of the form for refusal of entry into the Republic of Serbia, form for granting entry into the Republic of Serbia, and the manner of entering information on the refusal of entry shall be prescribed by the Minister responsible for internal affairs.

(6) An appeal statement may be filed against the decision on refusing entry.

(7) More detailed criteria for refusing entry referred to Paragraph (1), 2), 5), 7), 8) and 12) of this Article shall be prescribed by the Government.

### **Entry and Stay without Visa**

#### **Article 16**

(1) An international treaty or a Government decision may determine that nationals of particular countries may enter into the Republic of Serbia without a visa, provided there are no obstacles referred to in Article 15 of this Law.

(2) The Government may decide that nationals of particular countries may enter into the Republic of Serbia also with a valid identity card, in case there are no obstacles referred to in Article 15, Paragraph (1), 2) to 13) of this Law.

(3) A foreigner who does not need a visa or travel document to enter into the Republic of Serbia, may stay in it up to 90 days within any period of 180 days, from the date of first entry, if not determined otherwise in an international treaty.

(4) The day of entry into the Republic of Serbia and the day of exit from the Republic of Serbia shall be counted as days of stay in the territory of the Republic of Serbia.\*

\*Official Gazette of the Republic of Serbia, no. 62/2023

### **Departure**

#### **Article 17**

(1) A foreigner shall be free to depart from the Republic of Serbia.

(2) Exceptionally, the border police shall temporarily prohibit a foreigner to depart from the Republic of Serbia if:

- 1) He does not have a valid travel or other document required to cross the state border;
- 2) He does not have a visa required to enter into another country;
- 3) There is reasonable doubt that by departing from the Republic of Serbia, he may avoid criminal or misdemeanour charges, serving a prison sentence, the execution of a court order, arrest or enforcement of a due property-related claim, as per order of a competent state authority or court.

(3) When the reasons referred to in Paragraph (2) of this Article have ceased to exist, the foreigner shall be allowed to depart from the Republic of Serbia.

## **III. VISAS**

### **General Provisions**

#### **Article 18\***

(1) A visa implies authorization for entry, stay or transit that a foreigner obtains before entering the territory of the Republic of Serbia.\*

(2) The visa referred to in paragraph (1) of this Article shall be issued in electronic format.\*

(3) The visa referred to in paragraph (1) of this Article may also be issued in the form of a sticker that is impressed into the foreigner's travel document.\*

(4) The issued visa shall not be a guarantee that the foreigner will be granted entry to the Republic of Serbia.\*

(5) The layout of the visa form in electronic format and the detailed requirements for issuing a visa in electronic format shall be prescribed by the minister responsible for foreign affairs.\*

\*Official Gazette of the Republic of Serbia, no. 62/2023

## **Visa Types**

### **Article 19**

Visa types shall be:

- 1) Airport transit visa (category "A" visa);
- 2) Short-Term Visa (category "C" visa);
- 3) Long-Term Visa (category "D" visa)

### **Airport Transit Visa (Category "A" Visa)**

#### **Article 20**

(1) A foreigner who does not leave the international transit area of an airport or aircraft in the Republic of Serbia during an intermediate stop shall not require a visa.

(2) The Government of the Republic of Serbia may establish that nationals of certain countries, if so required by reasons of security of the Republic of Serbia and its citizens, must have an Airport Transit Visa.

(3) Airport Transit Visa shall not be obtained by foreigners that do not need a visa to enter into the Republic of Serbia, foreigners that have a valid visa for entry into the Republic of Serbia or residence permit, family members of a national of the Republic of Serbia, diplomatic and service passport holders, as well as the crew members of an aircraft, in accordance with the Convention on International Civil Aviation (Official Gazette FPRY – International Treaties and Other Agreements, No. 3/54).

(4) Airport Transit Visa shall be issued for a period of up to 6 months and enable single or multiple entry into the international airport transit area without the possibility to enter into the territory of the Republic of Serbia.

### **Short-Term Visa (Category "C" Visa)**

#### **Article 21**

(1) Short-Term Visa shall be permission to enter into the Republic of Serbia, transit over the territory of the Republic of Serbia or stay on the territory of the Republic of Serbia for up to 90 days within any period of 180 days, from the date of first entry.

(2) Short-Term Visa shall be issued for all purposes of travel except those for which Long-Term Visa is issued or temporary residence granted.

(3) Short-Term Visa shall not be grounds to apply for temporary residence in the Republic of Serbia, unless provided otherwise in this Law.

(4) Short-Term Visa shall be issued for single, double or multiple entries into the Republic of Serbia.

(5) The duration of a Short-Term Visa shall not exceed five years.

### **Long-Term Visa (Category “D” Visa)**

#### **Article 22**

(1) Long-Term Visa shall be permission to enter and stay on the territory of the Republic of Serbia between 90 and 180 days.

(2) A foreigner who, in accordance with the visa regime for entry into the Republic of Serbia requires a visa, and who intends to apply for temporary residence in the Republic of Serbia, shall obtain a Long-Term Visa.

(3) A foreigner, who is issued a long-term visa on the grounds of employment, shall be eligible for employment in accordance with the regulations governing the employment of foreigners.

(4) The provision of paragraph (2) of this article shall accordingly be applied to a foreigner intending to submit a request for the issuance of one single permit.\*

\*Official Gazette of the Republic of Serbia, no. 62/2023

### **Visa Issuance Authority**

#### **Article 23**

(1) Visa shall be issued by diplomatic or consular mission, unless determined otherwise in this Law.

(2) Visa application shall be reviewed and decided on by the diplomatic or consular mission in the area of legal residence of the applicant.

(3) Exceptionally, the diplomatic or consular mission shall review and decide on the application submitted by a foreigner, who is staying legally in its consular area, and does not have residence in that country, when he submits evidence of urgency of travel to the Republic of Serbia, for he requires a visa.

(4) In the countries where there is no diplomatic or consular mission of the Republic of Serbia, mutual agency in the procedure of visa issuance may be defined in an international agreement.

(5) As exception to Paragraph (1) of this Article, Short-Term Visa may, pursuant to Article 34 of this Law, be issued by the Border Police.

### **Foreign Travel Document**

#### **Article 24**

(1) When applying for a visa, a foreigner must present a foreign travel document, valid for a minimum of three months after the intended date of departure from the Republic of Serbia, with at least two consecutive blank pages, and issued within the past ten years.

(2) Exceptionally, if this is in the interest of the Republic of Serbia, or there are humanitarian reasons for this, when applying for a visa, a foreigner may present a foreign travel document that does not meet the criteria referred to in Paragraph (1) of this Article.

(3) If this is in the interest of the Republic of Serbia, or there are humanitarian reasons for this, and the travel document is not recognised by the Republic of Serbia, the visa shall be issued on the Visa Entry Form.

(4) The layout of the Visa Entry Form and the manner of entry of the visa into the form, shall be prescribed by the Minister responsible for foreign affairs.

### **Visa Application Submission**

#### **Article 25**

(1) Visa application shall be submitted personally, **i.e. in electronically \*** on a prescribed form, not earlier than three months prior to the start of the intended journey.

(2) The diplomatic or consular mission may deviate from personal submission of the visa application if determined that the applicant has used previously issued visas lawfully. Persons included in the travel document of the visa applicant shall submit separate visa applications on a prescribed form.

(3) The following shall be submitted alongside the visa application:

- 1) Filled-in Visa Application Form;
- 2) Travel document;
- 3) Photograph;
- 4) Proof of paid fee for visa issuance;
- 5) Proof of the purpose and reasons for stay in the Republic of Serbia;
- 6) Letter of invitation;
- 7) Adequate and valid travel medical insurance.

(4) Diplomatic or consular mission shall refuse a visa application if the applicant does not meet one or more of the general criteria referred to in Paragraph (3) of this Article or does not submit the application within the provided timeframe.

(5) In case of refusal of the visa application, the documents submitted with the application, and the fee paid for visa issuance shall be returned to the applicant.

(6) When humanitarian reasons or interest of the Republic of Serbia exist, a visa application shall be reviewed even if the general criteria referred to in Paragraph (3) of this Article have not been met.

(7) If a visa application is accepted for review, the travel document of the foreigner shall be stamped confirming the receipt of the visa application.

(8) Diplomatic and service travel documents shall not be stamped.

(9) The layout of the Visa Application Form and the receipt stamp, shall be prescribed by the Minister responsible for foreign affairs.

**(10) Detailed conditions for submitting a visa application electronically, detailed conditions for visa approval, as well as the layout and content of the invitation letter shall be prescribed by agreement by the minister responsible for foreign affairs, the minister responsible for internal affairs and the minister responsible for employment affairs.\***

**\*Official Gazette of the Republic of Serbia, no. 62/2023**

### **Evidence of Eligibility for Visa Issuance**

#### **Article 26**

(1) Upon submission of the application for Airport Transit Visa, the applicant must submit evidence that he can enter the next country of destination on the planned route.

(2) Upon submission of application for Short-Term Visa, the applicant shall submit also the following evidence:

- 1) Of the purpose of visit;
- 2) Of sufficient funds for accommodation expenses or other proof related to accommodation;
- 3) Of available means of subsistence during the intended stay and for return to the country of origin or place of usual residence;
- 4) Other evidence which may be used to verify the applicant's intent to leave the Republic of Serbia before the expiry of the visa applied for.

(3) Upon submission of the application for Long-Term Visa, the applicant shall, in addition to evidence referred to in Paragraph (2) of this Article, also submit evidence, or documents, necessary in accordance with the provisions of this Law, when applying for temporary residence (depending on the grounds for residence)

(4) A diplomatic or consular mission may review a Short-Term Visa application even if one or more pieces of evidence referred to in Paragraph (2) of this Article has not been submitted, under the condition that the applicant has lawfully used previous visas and if there is no suspicion of existence of the reasons to refuse entry of the foreigner into the Republic of Serbia referred to in Article 15 of this Law.

### **Letter of Invitation**

#### **Article 27**

(1) A legal entity or natural person inviting a foreigner for personal or business visit, must submit a letter of invitation.

(2) In the letter of invitation, the Inviter shall commit to cover all the costs of stay and forced removal of the foreigner from the territory of the Republic of Serbia, as well as all costs in case of stay and accommodation of the foreigner in the reception centre, if they cannot be charged from the foreigner.

(3) If the Inviter of the foreign national in the Republic of Serbia is a natural person, the letter of invitation shall contain a statement referred to in Paragraph (2) of this Article, information about the foreigner (name and family name, date of birth, nationality, travel document information), information about the inviter (name and family name, date of birth, nationality, telephone number, address of residence, reason for inviting the foreigner into the Republic of Serbia), as well as any other information relevant for the procedure of visa issuance. The letter of invitation from a natural person shall be stamped by the competent authority for official verification of documents.

(4) If the inviter of the foreign national into the Republic of Serbia is a legal entity, the letter of invitation shall contain a statement referred to in Paragraph (2) of this Law, information about the foreigner (name and family name, date of birth, nationality, travel document information), name, address, registration and tax identity number, signature and stamp of the authorised person in the legal entity inviting the foreigner to visit, the reason for inviting the foreigner into the Republic of Serbia, as well as other information relevant for the procedure of visa issuance.

### **Travel Medical Insurance**

#### **Article 28**

(1) Visa applicant must provide proof that during his stay in the Republic of Serbia, he has adequate travel medical insurance covering costs that may be incurred in relation to emergency medical assistance, emergency hospital treatment, return to the country of origin for health-related reasons or in the case of death.

(2) The period of insurance must not be shorter than the period of planned stay in the Republic of Serbia.

(3) As exception to Paragraph (1) of this Article, the proof of travel medical insurance shall not be needed from holders of diplomatic travel documents or applicants for Airport Transit Visa.

## **Verification of Eligibility and Risk Assessment**

### **Article 29**

(1) Diplomatic or consular mission, in cooperation with the Ministry of Interior and state authorities responsible for safeguarding the security of the Republic of Serbia, shall verify information about the applicant and inviter by checking records kept in accordance with the law, determining the validity of the information provided in the documents attached to the visa application, as well as whether the purpose of travel is justified. Personal information of the visa applicant and connected natural persons and legal entities shall be collected and processed in accordance with the regulation on records and data processing in the area of internal affairs.

(2) Prior to visa issuance, a diplomatic mission shall obtain prior consent by the Ministry of Interior.

(3) Notwithstanding paragraph (2) of this Article, the diplomatic-consular representation shall not obtain the prior consent of the Ministry of Interior, when it is necessary to urgently issue a visa for reasons of a humanitarian nature, force majeure or the interests of the Republic of Serbia.\*

(4)\* Prior consent shall be issued by the Ministry of Interior, based on assessment results of the competent authority responsible for the place of arrival of a foreigner, results of the assessment of state authority responsible for safeguarding the security of the Republic of Serbia, and other operational information available in the specific case.

(5)\* The competent authority responsible for the place of arrival of a foreigner shall conduct an interview with the inviter and determine circumstances surrounding the foreigner's arrival into the Republic of Serbia, perform checks in the records kept in accordance with the law and undertake other actions in accordance with the law and regulations based on the law, in order to establish the facts necessary to assess whether the visa application has merit.

(6) When issuing a visa for a longer stay on the basis of employment, the organization responsible for employment issues shall submit to the competent authority an assessment of the fulfillment of the conditions for employment of a foreigner in the Republic of Serbia.\*

(7) The deadline for submitting the prior consent from this Article shall be ten days from the date of submission of the proper request for issuing a visa for consideration.\*

(8)\* The deadline may be extended to up to 25 days, if there are legitimate reasons for this.

(9)\* Checking information and evidence provided with the visa application shall be used to determine the existence of one or more reasons to refuse issuance of the visa prescribed in Article 36 of this Law.

(10)\* In justified situations, a diplomatic or consular mission, or competent authority, may invite the applicant or inviter to provide additional information and documentation to the application.

(11)\* If a visa application is being reviewed again, prior refusal of visa application may not be reason to refuse the new visa application.



\*Official Gazette of the Republic of Serbia, no. 62/2023

### **Deadline for Deciding on a Visa Application**

#### **Article 30**

(1) A visa application shall be decided on within 15 days after the day of submission of the application.

(2) The deadline referred to in Paragraph (1) of this Article may be extended to up to 30 days, if there are legitimate reasons for this.

### **Visa Issue**

#### **Article 31**

(1) The validity period of a visa, duration of the visit and number of entries into the Republic of Serbia shall be determined against the facts established pursuant to Article 29 of this Law.

(2) Airport Transit Visa, as well as single or double-entry Short-Term Visa, shall be issued with a validity period of 15 days longer than the approved duration of stay, unless required otherwise by the reasons of security of the Republic of Serbia and its citizens.

(3) In case of transit, Short-Term Visa shall be issued with a period of stay adequate to the time needed for transit.

(4) Multiple-entry Short-Term Visa shall be issued with a validity period longer than 180 days if the applicant has proved the need or justified the intent to travel regularly to the Republic of Serbia, for business or personal reasons, or if it has been established that he used prior visas lawfully.

(5) Long-Term Visa shall be issued for multiple entries and validity period which may not be shorter than 90 nor longer than 180 days.

(6) A foreigner with visa shall reside in the Republic of Serbia in compliance with his/her stated purpose, i.e., in compliance with the grounds on which the visa was issued.

### **Visa Sticker Printout and Entry into a Travel Document**

#### **Article 32**

(1) A visa sticker shall be filled out mechanically, before entering it into a travel document of a foreigner. A printed-out visa sticker may not be corrected.

(2) Exceptionally, a visa sticker may be filled out manually, with consent of the Ministry responsible for foreign affairs, only in case of technical difficulties, force majeure or if it is not possible to print out the visa sticker. Manually filled out visa sticker may not be corrected. Information about the manually filled out visa shall be entered into the Visa Information System.

(3) The layout and manner of entering a visa sticker into a foreign travel document shall be prescribed by the Minister responsible for foreign affairs.

### **Invalidation of a Visa Sticker**

#### **Article 33**

(1) If a diplomatic or consular mission uncovers an error on a filled-out visa sticker, this sticker shall be invalidated by making a mark over it.

(2) If the visa sticker referred to in Paragraph (1) of this Article has been entered into the foreigner's travel document, the visa sticker shall be invalidated by making a mark over it, and a new sticker shall be affixed to the next blank page of the travel document.

### **Visa Issue at a Border Crossing Point**

#### **Article 34**

(1) As exception to Article 23, Paragraph (1) of this Law, and if there are no obstacles prescribed in Article 36, Paragraph (1) of this Law, a foreigner who was not able to apply for a visa in a diplomatic or consular mission, may be issued a Short-Term single-entry visa with a validity period of 15 days at a border crossing point, when this is in the interest of the Republic of Serbia or there are humanitarian or professional reasons for this.

(2) In case of transit, visa shall be issued for the validity period needed for transit.

(3) Before issuing a visa referred to in Paragraph (1) of this Article, an assessment shall be acquired from the state authority responsible for safeguarding the security of the Republic of Serbia.

(4) Visa application shall be submitted by a foreigner personally, on a prescribed form, at the border crossing point he is at. Alongside the visa application, the foreigner shall also provide evidence of reasons to enter into the Republic of Serbia referred to in Paragraph (1) of this Article.

(5) The decision to refuse a visa application at a border crossing point and reasons for this decision shall be issued to a foreigner on a prescribed form.

(6) An appeal statement may be filed against the decision to refuse a visa application at the border crossing point.

(7) The layout of the form for refusal of a visa application at a border crossing point shall be prescribed by the Minister responsible internal affairs.

### **Visa Extension**

#### **Article 35**

(1) The validity period of a visa and duration of stay indicated in a visa may not be extended.

(2) Exceptionally, the validity period of a Short-Term Visa or duration of stay indicated in the visa may be extended at a foreigner's request, if so required by humanitarian or professional reasons, or in the case of force majeure.

(3) The request shall be submitted in person to the competent authority, before the expiry of the validity period or period of stay and evidence shall be submitted about the existence of circumstances and facts referred to in Paragraph (2) of this Article. Until the decision on the request to extend the visa is made, the foreigner shall stay legally on the territory of the Republic of Serbia.

(4) Visa shall be extended by affixing a visa sticker into the foreigner's passport, and total period of stay of the foreigner in the Republic of Serbia in the previously issued visa sticker and period of stay according to the new visa sticker issued pursuant to this article, may not exceed 90 days.

(5) The decision to refuse the request to extend the validity period of a visa, stating the reasons for it, shall be issued on a prescribed form.

(6) Appeal statement may be filed against the decision on refusal to extend the validity period of a visa.

(7) The layout of the form on refusing request to extend the visa validity period shall be prescribed by the Minister responsible for internal affairs.

## **Refusal of Visa Application**

### **Article 36**

- (1) A diplomatic or consular mission shall refuse a visa application if:
- 1) A foreigner submits alongside the visa application a travel document that does not meet the requirements prescribed in Article 24 Paragraph (1) of this Law;
  - 2) A foreigner does not meet the criteria for entering into another country or return to the country of origin or country of usual residence;
  - 3) A protective measure of removal or security measure of expulsion of foreigner, or entry ban is in effect;
  - 4) A foreigner does not have proof of inoculation or other proof of good health, coming from an area affected by an epidemic;
  - 5) A foreigner does not have travel medical insurance for the period of intended stay in the Republic of Serbia;
  - 6) A foreigner presents an unacceptable security-related risk safeguarding security of the Republic of Serbia and its citizens;
  - 7) A foreigner submits a Short-Term Visa application, having stayed in the Republic of Serbia for 90 days during the previous 180 days;
  - 8) A negative outcome of the security risk assessment referred to Article 9 of this Law is determined, in relation to entry and stay of foreigner on the territory of the Republic of Serbia;
  - 9) There is valid reason to believe that the stay will not be used for intended purpose;
  - 10) A foreigner submits a forged travel document;
  - 11) There is valid reason to suspect the credibility of additional documentation provided alongside the visa application or the credibility of his statement;
  - 12) A foreigner does not submit evidence of sufficient means of subsistence during the period of planned stay and for the return to the country of origin or usual residence;
  - 13) There is valid reason to believe that he will not leave the Republic of Serbia before the expiration of visa, or that there is possibility for illegal migration upon entry into the Republic of Serbia;
  - 14) There is valid reason to believe that he will not act in accordance with the legal system of the Republic of Serbia;
  - 15) It is obvious that a marriage or civil union was entered into with the aim of procuring a visa;
  - 16) He does not personally respond to an invitation from the diplomatic or consular mission of the Republic of Serbia;
  - 17) It is determined that he does not meet the eligibility criteria for Long-Term Visa.

(2) As exception to Paragraph (1) of this Article, visa may be issued for humanitarian reasons, if this is in the interest of the Republic of Serbia or required by international commitments made.

(3) A decision to refuse a visa application stating reasons for refusal shall be issued on a prescribed form.

(4) An appeal statement may be filed against a decision on refusal of visa application.

(5) The layout of the form for refusal of visa application shall be prescribed by the Minister responsible for foreign affairs.

### **Annulment and Revocation of Visa**

#### **Article 37**

(1) Visa shall be annulled when it is established that the required conditions for its issue had not been met at the time when it was issued.

(2) Visa shall be revoked when it is subsequently established that the conditions that existed at the time of issue no longer exist.

(3) Visa can be revoked at the request of the foreigner in possession of a valid visa.

(4) Visa shall be annulled or revoked by a diplomatic or consular mission, Border Police or competent authority.

(5) A decision on revocation or annulment of visa, stating the reasons behind it, shall be issued on a prescribed form.

(6) An appeal statement may be filed against a decision on annulment or revocation of visa.

(7) The layout of the form for annulment or revocation of visa shall be prescribed by the Minister responsible for foreign affairs.

### **Right to Appeal**

#### **Article 38**

(1) An appeal statement may be filed with the authority that made the decision on refusal of visa application, visa application at a border crossing, annulment or revocation of visa, extension of visa validity period and refusal of entry into the Republic of Serbia, within eight days of the day of receipt of the decision. The appeal shall be lodged writing, in Serbian, and after having paid the prescribed administrative fee.

(2) The Ministry responsible for foreign affairs shall make a decision on the appeal referred to in Paragraph (1) of this Article, against a decision made by a diplomatic or consular mission, and the Ministry of Interior shall make a decision on the appeal against a decision made by the border police and the competent authority, within 60 days of the receipt of the appeal.

(3) The appeal against the decision in Paragraph (1) of this Article shall not delay enforcement, unless if some reasons prescribed in Article 83 in this Law exist.

(4) Administrative proceedings may be initiated against a decision made in the second-instance procedure.

## **IV. STAY OF FOREIGNERS**

### **Short-Term Stay of Foreigners**

#### **Article 39**

(1) A foreign national may stay in the Republic of Serbia for a short term, based on Long-Term Visa, temporary residence and permanent residence.

(2) Short-term stay of a foreign national in the Republic of Serbia shall mean stay without visa up to 90 days in any 180-day period, starting with the day of first entry, if not determined otherwise in an international treaty, as well as stay based on Short-Term Visa.

(3) If during a foreigner's short-term stay some of the reasons for issuing a ban prescribed in this Law arise, the competent authority may issue a decision revoking the

foreigner's short-term stay, issue a ban on entry into the Republic of Serbia for a specific period of time, or set time allowed for departure from the Republic of Serbia, which cannot exceed 30 days.

(4) Article 78 of this Law shall apply accordingly to the issuance of the ban.

(5) A foreigner may file an appeal statement against the decision on revocation of short-term stay to the competent authority within 15 days of the receipt of the decision. The appeal shall be lodged in writing, in Serbian, and after having paid the prescribed administrative fee.

(6) The Ministry of Interior shall decide on the appeal.

(7) The appeal shall not delay enforcement of the decision.

(8) Provisions referred to in Paragraph (3)-(7) of this Article shall apply accordingly also to the revocation of stay of a foreigner staying in the Republic of Serbia on a Long-Term Visa.

## Temporary Residence

### Article 40

(1) Temporary residence is a residence permit for a foreign national in the Republic of Serbia granted to a foreigner who intends to stay in the Republic of Serbia for over 90 days **in a period of 180 days, longer than the period of stay determined by the international agreement, i.e. longer than the period for which the visa for a long stay was issued\***, on the grounds of:

- 1) Employment;
- 2) School or learning Serbian language;
- 3) Studies;
- 4) Participation in international exchange programmes for pupils or students;
- 5) Specialist, professional training and practice;
- 6) Scientific research or other scientific or educational activity;
- 7) Family reunification;
- 8) Performing religious service;
- 9) Treatment or care;
- 10) Ownership over immovable property;
- 11) Humanitarian stay;
- 12) Status of presumed victim of trafficking in human beings;
- 13) Status of victim of trafficking in human beings;
- 14) Other legitimate reasons in accordance with the law or an international treaty.

**(2) In the cases referred to in paragraph (1), item 2)–4) and 6)–14) of this Article, a temporary residence permit is issued, and in the cases referred to in items 1) and 5) the one single permit.\***

(3) A foreigner granted temporary residence permit on some of the grounds prescribed in Paragraph (1) of this Article, must stay in the Republic of Serbia in accordance with the grounds on which the stay has been granted.

**(4) Notwithstanding paragraph (1) of this Article, and in accordance with the interests of the Republic of Serbia, the Government shall by act determine the categories of foreigners, the criteria, the method and more detailed conditions for granting temporary**

residence to foreigners, such as: foreign investors in the Republic of Serbia, foreign talents, foreigners who are involved in innovative activities, foreigners of Serbian origin, foreigners who are digital nomads, foreigners with high qualifications, etc.\*

(5) deleted (see Article 12 of the Law -62/2023-56).

\*Official Gazette of the Republic of Serbia, no. 62/2023

## **Application for Temporary Residence and Timelines**

### **Article 41.**

(1) Application for a temporary residence permit or the extension thereof shall be submitted personally or in a soft copy by a foreigner to the competent authority on a prescribed form.

(2) A foreigner, who has legally entered the Republic of Serbia and who is not required to present visa to enter the state, as well as a foreigner who entered the Republic of Serbia with a long-term visa and who legally resides in the Republic of Serbia, shall submit the request for temporary residence.

(3) A foreigner may also submit a soft copy request for temporary residence in the Republic of Serbia from abroad.

(4) Notwithstanding paragraph (2) of this Article, when there are humanitarian reasons or reasons of force majeure or it is in the interest of the Republic of Serbia, a foreigner who has legally entered and is legally residing in the Republic of Serbia with a short-stay visa can submit a request for the granting of temporary residence, with the submission of proof of the existence of the aforesaid reasons.

(5) Grounds for applying for temporary residence must be identical to the grounds for issuing a Long-Term Visa.

(6) Application for extension of a temporary residence permit shall be submitted no earlier than three months, and no later to\* the expiry of the temporary residence permit.

(7) A foreigner, who timely submits an application for temporary residence permit, or for extension of temporary residence permit, may stay in the Republic of Serbia until the finalisation of the first-instance procedure, or until the finalisation of the second-instance procedure, in case of appeal against the decision on refusal of the application.

(8) If this is in the interest of the Republic of Serbia, if it is determined that humanitarian reasons, or a force majeure, exist, the competent authority may review an application for the extension of temporary resident permit submitted after the expiry of the temporary residence permit, if the time between the expiry of the previous temporary residence permit and application for the extension of the temporary residence permit is under three months.

(9) If the competent authority approves the extension of the temporary residence permit referred to in Paragraph (8\*) of this Article, the time between the expiry of the previous temporary residence and application for the extension of the temporary residence shall be considered legal and continuous stay.

(10) Detailed conditions regarding the submission of a soft copy request for temporary residence shall be laid down by the Minister of Interior.

\*Official Gazette of the Republic of Serbia, no. 62/2023

## Article 41a

Deleted (see Article 14 of the Law – 62/2023-56)

\*Official Gazette of the Republic of Serbia, no. 62/2023

**Decision-Making Authority****Article 42**

(1) The competent authority shall make the decision on approval or extension of temporary residence permit within 30 days of the date of submission of the application.

(2) Upon deciding on the submitted application for temporary residence permit, the competent authority shall, in addition to assessing whether general criteria referred to in Article 43 of this Law have been met, also acquire an assessment by the state authority responsible for the protection of security of the Republic of Serbia about whether the stay of the foreigner on the territory of the Republic of Serbia presents an unacceptable security-related risk.

(3) The deadline for issuing the assessment shall be 25 days from the day of the submission of application for review.

**General Eligibility Criteria for a Temporary Residence Permit****Article 43**

(1) Alongside the application for approval or extension of a temporary residence permit, a foreigner shall submit:

1) Valid personal or service passport;

1a) a valid identity card of the country of which he is a citizen, if in accordance with the applicable regulations, he can enter the Republic of Serbia with an identity card;\*

2) Evidence of means for subsistence during the planned stay;

3) Registered temporary residence or permanent residence in the Republic of Serbia;

4) Evidence of health insurance during the planned stay;

5) Evidence that the application for temporary residence permit is justified pursuant to the provisions prescribed in Article 40 of this Law, as well as other documents at the request of the competent authority;

6) Proof of payment of the prescribed administrative fee.

(7) The personal document enclosed with the application must be valid for at least three months longer than the period for which the temporary residence permit is requested.\*

(8) More detailed conditions for the approval of temporary residence, the layout of the application for the approval of temporary residence and the layout of the permit form for temporary residence shall be prescribed by the minister responsible for internal affairs.\*

\*Official Gazette of the Republic of Serbia, no. 62/2023

**Article 43a\***



Evidence from Article 43, paragraph (1) items 2) and 4) of this Law shall not be submitted by a foreigner who is a member of the immediate family of a citizen of the Republic of Serbia and a foreigner who is employed, as well as members of the immediate family of a foreigner who is employed.

\*Official Gazette of the Republic of Serbia, no. 62/2023

## **Duration of Temporary Residence**

### **Article 44**

(1) Temporary residence may be granted for a duration of up to three years and may be extended for the same period, depending on the existence of the reasons for which the temporary residence is granted.\*

Paras. (2)-(5) deleted (see Article 17 of the Law – 62/2023).\*

(2) Exceptionally, if humanitarian reasons exist, interest of the Republic of Serbia or force majeure, temporary residence of a foreigner who does not have a valid travel document, but meets the general criteria referred to in Article 43 of this Law, shall be approved or extended by a decision.

\*Official Gazette of the Republic of Serbia, no. 62/2023

## **Refusal of Temporary Residence Application**

### **Article 45**

(1) The application for temporary residence permit, or extension of temporary residence permit shall be refused when:

- 1) the validity period of the personal document attached to the request for granting, i.e. extension of temporary residence, is shorter than the period prescribed in Article 43 of this Law;\*
- 2) One or several general criteria prescribed in Article 43, Paragraph (1) of this Article have not been met, /save in case referred to in Article 43a of this Law; \*
- 3) A protective measure of removal, security measure of expulsion or issued entry ban to the foreigner is in effect;
- 4) This is required by reasons of safeguarding the security of the Republic of Serbia and its citizens;
- 5) There are valid reasons to believe that the foreigner will not use the temporary residence for the intended purpose;
- 5a) the competent authority, in the procedure for the extension of the temporary residence, determines that the foreigner did not use the previously approved temporary residence in accordance with the basis on which the temporary residence was approved;\*
- 6) The foreigner submits a forged travel document;
- 7) It is determined that the evidence submitted with the application for temporary residence is false or acquired illegally;
- 8) There are reasons to believe that he will not act in accordance with the legal system of the Republic of Serbia.

(2) An appeal statement may be filed by a foreigner against the decision on refusal of application for temporary residence permit or the extension of the temporary residence permit, within 15 days of receipt of the decision.

(3) The appeal shall be lodged in writing, in Serbian, having paid the prescribed fee.

(4) The appeal against the decision to refuse the application for temporary residence permit, or to extend temporary residence permit, shall be decided on by the Ministry of Interior.

(5) The appeal shall delay the enforcement of the decision.

(6) Administrative proceedings may be initiated against the decision made in the second-instance procedure, and the initiation of the administrative proceedings shall not delay the enforcement of the decision of the second-instance authority.

\*Official Gazette of the Republic of Serbia, no. 62/2023

### **Temporary residence on the Grounds of Employment**

#### **Article 46.\***

(1) A foreigner intending to reside and work in the Republic of Serbia, i.e. to carry out professional specialization, training and practice, shall be bound to, in accordance with the provisions of this Law and the regulations governing the employment of foreigners, during the period of legal residence, submit a request for issuing the one single permit.\*

(2) A foreigner who, in accordance with the regulations regulating the employment of foreigners, has the right to work without the one single permit and who intends to stay in the Republic of Serbia for more than 90 days in a period of 180 days, longer than the period of stay determined by an international agreement, i.e. longer than the period for which the long-stay visa was issued, shall be bound to submit a request for granting of temporary residence in accordance with the provisions of this Law.\*

\*Official Gazette of the Republic of Serbia, no. 62/2023

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#### **One Single Permit\***

\*Official Gazette of the Republic of Serbia, no. 62/2023

#### **Article 46a\***

\*Official Gazette of the Republic of Serbia, no. 62/2023

(1) In the case referred to in Article 40, paragraph (1), item 1) and 5) of this Law, one single permit shall be issued.\*

(2) On the basis of a single permit, a foreigner shall have the right to temporary residence and work in the Republic of Serbia, in accordance with the law.\*

(3) A foreigner who has been granted temporary residence, i.e. permanent residence shall have the right to work in the Republic of Serbia in accordance with the regulations regulating the employment of foreigners in the Republic of Serbia, without the one single permit.\*

(4) A foreigner who has been issued the one single permit shall be bound to reside in the Republic of Serbia in accordance with the basis for the issuing thereto.\*

\*Official Gazette of the Republic of Serbia, no. 62/2023

### **Filing a Request for One Single Permit\***

\*Official Gazette of the Republic of Serbia, no. 62/2023

#### **Article 46b\***

(1) A foreigner, an employer on behalf of a foreigner, or a person authorized thereby, shall submit a request for issuing or extending the one single permit electronically, through the unique portal.\*

(2) For a foreigner who, in accordance with the visa regime, needs a visa to enter the Republic Serbia, the request from paragraph (1) of this Article shall be submitted after entering the Republic of Serbia, during the validity of the visa for a longer stay based on employment.\*

(4) For a foreigner who, in accordance with the visa regime, does not need a visa to enter the Republic of Serbia, the request from paragraph (1) of this Article shall be submitted during the period of the foreigner's legal stay, and it can also be submitted from abroad.\*

(5) The request for the extension of the one single permit shall be submitted no earlier than three months, and no later than the expiration of the validity period of the one single permit.\*

(6) A foreigner who timely submits a request from paragraph (1) of this Article may reside and work in the Republic of Serbia until the end of the administrative procedure.\*

(7) If it is in the interest of the Republic of Serbia or due to force majeure, the authority may consider the request for the extension of the one single permit that was submitted after the expiration of the validity of the one single permit, if the time period between the expiration of the previously valid single permit and the submission of the request for the extension of the one single permit is shorter than three months.\*

(8) Should the competent authority approve the issuance of the one single permit referred to in paragraph (7) of this Article, the period between the expiration of a valid one single permit and the submission of a request for the extension of the one single permit shall be considered a legal and continuous stay.\*

(9) In the course of the procedure for issuing the one single permit, a prescribed fee must be paid, in accordance with the law.\*

(10) Detailed conditions for submitting and processing requests for issuing a one single permit electronically, detailed conditions for issuing a one single permit, as well as the layout of the one single permit form shall be prescribed by agreement of the competent minister for internal affairs and the minister responsible for employment affairs.\*

\*Official Gazette of the Republic of Serbia, no. 62/2023

### **Conditions for Issuing One Single Permit\***

\*Official Gazette of the Republic of Serbia, no. 62/2023

#### **Article 46c\***

(1) Alongside with the request for the issuing of the one single permit, the applicant shall also enclose:\*

1) a valid personal or official passport, i.e. a valid identity card of the country whose citizens, in accordance with the applicable regulations, can enter the Republic of Serbia with an identity card;\*

2) proof of the justification of the request for issuing a one single permit, in accordance with the regulations regulating the employment of foreigners, as well as other documents at the request of the competent authority

3) address of residence, housing address, i.e. statement of intended address of residence for a foreigner submitting a request for issuance, i.e. extension of the one single permit from abroad.\*

(2) The personal document from paragraph (1) item 1) of this Article must be valid for at least three months longer than the period for which the issuance of the one single permit is requested.\*

(3) The evidence from paragraph (1) of this Article shall be attached in in electronic form, in the form of an electronic document in the original or in the form of a digitized document.\*

\*Official Gazette of the Republic of Serbia, no. 62/2023

### **Decision-Making Procedure\***

\*Official Gazette of the Republic of Serbia, no. 62/2023

#### **Article 46d\***

(1) The competent authority shall decide on the request for the issuance of one single permit within 15 days from the day of receipt of the orderly request.\*

(2) When deciding upon the request for the issuing of the one single permit, the competent authority shall obtain the following:\*

1) assessment of the organization responsible for employment affairs on the fulfillment of the conditions for employment, special cases of employment and self-employment of a foreigner, in accordance with the regulations regulating the employment of foreigners.\*

(3) The assessment referred to in paragraph (2) of this Article, shall be submitted to the competent authority within 10 days from the date of submission of the request for consideration.\*

(4) The competent authority, the organization responsible for employment and the authority responsible for the protection of the security of the Republic of Serbia, in a unified

procedure, shall electronically exchange the data necessary for making a decision on the request for the issuance of a one single permit.\*

(5) If the conditions for issuing or extending a one single permit prescribed by law are met, the competent authority shall issue a one single permit to the foreigner.\*

(6) The foreigner shall personally take over the one single permit.\*

\*Official Gazette of the Republic of Serbia, no. 62/2023

### **Basis for Issuing the One Single Permit\***

\*Official Gazette of the Republic of Serbia, no. 62/2023

#### **Article 46e\***

(1) The one single permit may be issued for the purpose of:\*

- 1) employment;\*
- 2) self-employment;\*

3) special cases of employment, in accordance with the regulations regulating the employment of foreigners.\*

\*Official Gazette of the Republic of Serbia, no. 62/2023

### **Dismissing the Request for the One Single Permit\***

\*Official Gazette of the Republic of Serbia, no. 62/2023

#### **Article 46f\***

(1) By decision, the competent authority shall dismiss the request for issuing or extending a one single permit when:\*

- 1) the organization responsible for employment submits to the competent authority a reasoned assessment that the conditions for employment, special cases of employment and self-employment of a foreigner in the Republic of Serbia are not met;\*

2) one or more conditions stipulated in Article 46c are not met;\*

3) the foreigner is subject to a protective measure of removal, a security measure of expulsion or has been banned from entering;\*

4) this is required by the reasons for protecting the security of the Republic of Serbia and its citizens;\*

5) there is reasonable doubt that the foreigner will not use the one single permit in accordance with the basis on which he submitted the request ;

6) it is determined that the documents, i.e. the evidence attached to the application for one single permit, were forged or obtained illegally;\*

7) there are reasons to reasonably believe that the foreigner will not act in accordance with the legal order of the Republic of Serbia;\*

8) the competent authority, in the procedure for the extension of the one single permit, determines that the foreigner did not use the previously issued single permit in accordance with the basis for which it was issued.\*

(2) An appeal may be lodged against the decision from paragraph (1) of this Article, through the competent authority, within 15 days from the date of receipt of the decision.\*

(3) The appeal shall be submitted in writing, in the Serbian language with the payment of the prescribed fee.\*

(4) The Ministry of Interior shall decide on the appeal against the decision on the dismissal of the request for issuance, i.e. the extension of the one single permit.\*

(5) The appeal shall stay the execution of the decision.\*

(6) An administrative dispute may be initiated against the decision reached in the second instance procedure.\*

\*Official Gazette of the Republic of Serbia, no.62/2023

#### **Validity of the One Single Permit\***

\*Official Gazette of the Republic of Serbia, no.62/2023

#### **Article 46g\***

One single permit may be issued to a foreigner for a period of validity of up to three years, and may be extended for the same period, depending on the existence of the reasons for issuing the one single permit.\*

\*Official Gazette of the Republic of Serbia, no.62/2023

#### **Termination of Validity of the One Single Permit**

\*Official Gazette of the Republic of Serbia, no.62/2023

#### **Article 46h\***

(1) If it is subsequently discovered that for a foreigner who has been issued a one single permit, one or more reasons prescribed for dismissal of the request for the issuance of one single permit exist, the competent authority shall issue a decision on the termination of the validity of the one single permit.\*

- (2) The decision referred to in paragraph (1) of this Article may determine the period in which the foreigner is obliged to leave the Republic of Serbia, which cannot be longer than 30 days from the date of delivery of the decision, and a ban on entry may be imposed.\*
- (3) Article 78 of this Law shall apply accordingly to the imposition of a ban on entry. \*
- (4) The competent authority shall be informed immediately and *ex officio*, of the existence of reasons for the termination of the validity of the one single permit, which the labor inspection and other authorities, within their jurisdiction.\*
- (5) In the case referred to in paragraph (2) of this Article, the special circumstances of each individual case shall be evaluated, especially the duration of previous temporary residence, i.e. the foreigner's one single permit, his personal, family, social, economic and other ties with the Republic Serbia.\*
- (6) Against the decision on the termination of the validity of the one single permit , an appeal can be filed, through the competent authority, within 15 days from the date of receipt of the decision.\*
- (7) The appeal shall be filed in written form, in Serbian,with the payment of the prescribed fee. \*
- (8) The Ministry of Interior shall decide on the appeal to the decision on termination of the validity of the one single permit. \*
- (9) The appeal shall stay the execution of the decision, save in the case referred to in paragraph (2) of this Article. \*
- (10) An administrative dispute may be launched against the decision rendered in the second-instance proceedings.
- (11) The decision on the termination of the validity of the one single permit may be rendered at the request of a foreigner. \*
- (12) The one single permit shall cease to be valid by the force of law in case of death of a foreigner, the granting of permanent residence in the Republic of Serbia, i.e. granting of citizenship of the Republic of Serbia to a foreigner.

\*Official Gazette of the Republic of Serbia, no. 62/2023

### **Temporary Residence on the Grounds of School or Language Classes**

#### **Article 47**

(1) Temporary residence on the grounds of school, i.e. education in primary or secondary schools, or learning Serbian to continue school or university studies in the Republic of Serbia, may be granted to a foreigner meeting the general criteria referred to in Article 43 of this Law, who submits proof of enrolment into a verified educational institution in the Republic of Serbia, or proof of enrolment in an organisation registered for other forms of education or language teaching.

(2) For granting temporary residence to a minor foreigner for the purpose of education in the Republic of Serbia, consent is needed from a parent, guardian, or legal representative, as well as guarantee that an adult living in the Republic of Serbia will be responsible for the foreigner during his stay in the Republic of Serbia, particularly in terms of providing accommodation to the minor foreigner, health care and means of subsistence.



(3) If the adult providing guarantee for the minor attending school is a foreign national, temporary residence shall be granted to the minor for the same period of time as the temporary residence granted to the guarantor.

### **Temporary Residence on the Grounds of University Studies**

#### **Article 48**

- (1) Temporary residence on the grounds of university studies in the Republic of Serbia may be granted to a foreigner meeting the general criteria referred to in Article 43 of this Law, who submits evidence of enrolment in a programme with an accredited tertiary education institution, with the purpose of acquiring tertiary level of education in **the Republic of Serbia**.
- (2) Deleted (see Article 21 of the Law -62/2023-56).
- (2)\* In case the studies last shorter than **three years\***, temporary residence permit shall be granted for the period of the duration of the studies.
- (3) Deleted (see Article 21 of the Law -62/2023-56).

\*Official Gazette of the Republic of Serbia, no. 62/2023

### **Temporary Residence on the Grounds of Participation in International Student Exchange Programmes**

#### **Article 49**

(1) Temporary residence on the grounds of participation in international student exchange programmes in the Republic of Serbia may be granted to a foreigner meeting the general criteria referred to in Article 43 of this Law, who submits evidence of participation in international student exchange programme approved by the Ministry responsible for education and science.

(2) For granting temporary residence on the grounds of participation in programmes of international student exchange programmes in the Republic of Serbia, consent is needed from a parent, guardian or legal representative, as well as guarantee that the organisation implementing the student exchange programme will be responsible for the minor foreigner during his stay in the Republic of Serbia, particularly in terms of providing accommodation, health care and means of subsistence to the foreigner.

#### **Article 50**

Deleted (See Article 22 of the Law – 62/2023-56)

### **Temporary Residence on the Grounds of Scientific Research or other Scientific and Educational Activities**

#### **Article 51**

(1) Temporary residence on the grounds of scientific research or other scientific and educational activities may be granted to a foreigner meeting the general criteria referred to in Article 43 of this Law, who submits a contract signed with the scientific and research organisation about the work and activities related to scientific research.

(2) deleted (see Article 23 of the Law – 62/2023-56)

(2)\* If the scientific and research work or other scientific and educational activity lasts under **three years\***, temporary residence shall be approved for the period of the duration of the research or other scientific and educational activity.

(4) deleted (see Article 23 of the Law – 62/2023-56)

\*Official Gazette of the Republic of Serbia, no. 62/2023

### **Temporary Residence on the Grounds of Performing Religious Service**

#### **Article 52**

Temporary residence on the grounds of performing religious service may be granted to a foreigner meeting the general criteria referred to in Article 43 of this Law, who submits evidence of engagement in a legally recognised church or religious community to perform church-related activities or religious services, in accordance with the regulations governing the position of religious communities.

### **Temporary Residence on the Grounds of Treatment or Care**

#### **Article 53**

Temporary residence on the grounds of treatment or care may be approved to a foreigner meeting the general criteria referred to in Article 43 of this Law, who submits evidence that the health care or social protection institution will provide adequate services of the required treatment or care.

### **Temporary Residence on the Grounds of Ownership of Immovable Property**

#### **Article 54**

(1) Temporary residence on the grounds of ownership of immovable property may be granted to a foreigner meeting the general criteria referred to in Article 43 of this Law, who submits evidence of ownership thereof.

(2) Immovable property within the meaning of this Law shall be housing buildings and housing units in the Republic of Serbia, to which the foreigner has property rights and in which he resides in the Republic of Serbia.

### **Temporary Residence on the Grounds of Family Reunification**

#### **Article 55**

(1) Provided that the general criteria referred to in Article 43 of this Law have been met, temporary residence on the grounds of family reunification may be granted to a foreigner, nuclear family member of a national of the Republic of Serbia, nuclear family member of a foreigner with temporary residence or permanent residence permit in the Republic of Serbia, as well as nuclear family member of a foreigner granted asylum in the Republic of Serbia.

(2) The immediate family, in terms of this law, mean spouses, common law partners, their children born either in or out of wedlock, adopted children or stepchildren under 18 years of age who have not entered into marriage, as well as parents or adoptive parents of children under 18 years of age who have not entered into marriage.

(3) Exceptionally, nuclear family member may include:

- 1) other relative of a Serbian national or a foreigner with temporary residence or permanent residence permit in the Republic of Serbia, or other relative of his/her spouse or common law partner, who is dependent

on him/her and is not provided with adequate family care in the country of origin; or

- 2) Adult child of a Serbian national or foreigner with temporary residence or permanent residence permit in the Republic of Serbia, or adult child of his spouse or civil partner, who has not married, and cannot satisfy his/her needs because of his/her health status.

(4) In case of polygamous marriage, family reunification shall be granted to only one spouse and children under 18 they had together, who have not married.

### **Temporary Residence for Family Member of a Foreigner Granted Asylum**

#### **Article 56**

(1) Granting temporary residence to a nuclear family member of a foreigner granted asylum in the Republic of Serbia shall not require meeting all the general criteria provided in Article 43 of this Law, or criteria referred to in Article 41, Paragraph (2) of this Law, taking into consideration specific and personal circumstances of the foreigner granted asylum and his nuclear family members.

(2) If the foreigner granted asylum in the Republic of Serbia is a minor, temporary residence permit on the grounds of family reunification may be given to his parents under the same conditions prescribed in Paragraph (1) of this Article, with the aim to preserve family unity.

(3) In case that nuclear family member of the foreigner granted asylum in the Republic of Serbia does not have a valid travel document, temporary residence shall be approved by a decision.

### **Period of Validity of Temporary Residence on the Grounds of Family Reunification**

#### **Article 57**

(1) Deleted (see Article 24 of the Law - 62/2023-56).

(1)\* A foreigner granted temporary residence on the grounds of family reunification with a foreigner with temporary residence permit in the Republic of Serbia, shall be granted temporary residence until the expiry of the validity period of the temporary residence permit of the foreigner with whom family reunification is applied for.

(2)\* A foreigner who is granted temporary residence on the basis of family reunification with a foreigner who has been issued a one single permit, shall be granted temporary residence until the expiration date of the one single permit of the foreigner with whom family reunification is requested.

\*Official Gazette of the Republic of Serbia, no. 62/2023

### **Temporary Residence of a Minor Foreigner Born on the Territory of the Republic of Serbia**

#### **Article 58**

(1) Parent, guardian or legal representative of a child born on the territory of the Republic of Serbia, both of whose parents are foreign nationals, shall within three months of the birth of the child submit an application for temporary residence permit for the child.

(2) Temporary residence shall be granted for the same period of validity of the temporary residence permit of the child's parent, guardian or legal representative, or to the period **up to three years\*** if one of the child's parents, guardian or legal representative is a foreigner with permanent residence.

**\*Official Gazette of the Republic of Serbia, no. 62/2023**

## **Autonomous Stay**

### **Article 59**

(1) A foreigner who is nuclear family member of a national of the Republic of Serbia, foreigner who is granted temporary residence, permanent residence or asylum in the Republic of Serbia and who has stayed in the Republic of Serbia for four consecutive years on the grounds of family reunification, and meets the criteria referred to in Article 43 of this Law, may at his request, be granted autonomous stay.

(2) The foreigner referred to in Paragraph (1) of this Article, who has over the last three years continuously stayed with temporary residence permit on the grounds of family reunification, may at his request be granted autonomous stay in the case of death of the national of the Republic of Serbia or foreigner with whom the right to family reunification was exercised.

(3) Exceptionally, the foreigner referred to in Paragraph (1) of this Article, who has been granted temporary residence for family reunification over a period of time shorter than four years, and who is a victim of domestic violence or in case of other particularly difficult circumstances may, at his request, be granted autonomous stay in case when the general criteria provided in Article 43 of this Law have not been met.

**(4) deleted (see Article 26 of the Law – 62/2023-56).**

## **Marriage of Convenience**

### **Article 60**

(1) Marriage of convenience, within the meaning of this Law, shall mean marriage entered into with intent to enable a foreigner's entry or stay in the Republic of Serbia in contravention of the criteria prescribed in this Law.

(2) Circumstances that may indicate that it is a marriage of convenience, shall be based on valid reasons to believe that the spouses:

- 1) Do not live in marital community;
- 2) Did not meet before the marriage;
- 3) Do not provide truthful personal information;
- 4) Do not speak a language that they both understand;
- 5) Provided material resources for entering into the marriage, unless these resources are provided as dowry, and spouses come from countries in which the provision of dowry is customary;
- 6) There is evidence of previous marriage of convenience on the side of either spouse, in the Republic of Serbia or abroad.

(3) Temporary residence, or extension of temporary residence for the purpose of family reunification shall not be granted to a foreigner if, after investigation into the circumstances surrounding his marriage, there are valid reasons to presume that it is a

marriage of convenience, or that there are valid reasons to believe that the marriage was entered into with the aim of acquiring temporary residence.

- (4) The provisions in this Law shall also apply to civil unions.

### **Temporary Residence for Humanitarian Reasons**

#### **Article 61**

(1) Temporary residence may be granted to a foreigner meeting general criteria referred to Article 43 of this Law, when other circumstances exist that require special consideration in relation to:

- 1) His family, cultural or social ties with the Republic of Serbia, recent level of integration of the foreigner in the society of the Republic of Serbia, particularly with regard to his education, work activities or language skills;
- 2) Delay of forced removal of a foreigner referred to Article 84 of this Law, over the period of one year or longer;
- 3) A foreigner who is a victim of serious criminal offence, including persons who have been involved in the action to enable irregular migration and who cooperate with the police and the judiciary, and his presence is necessary in the criminal proceedings or he is participating in an investigation as witness or plaintiff;
- 4) A minor foreigner who has been abandoned, who is a victim of organised crime or has for other reasons lost parental care or company;
- 5) Serious and legitimate personal reasons of humanitarian nature, existing interests of the Republic of Serbia or international commitments made.

(2) The competent authority shall approve temporary residence for humanitarian reasons also if they determine that the circumstances based on which the application was made are founded, even if the criteria referred to Article 41, Paragraph (2) and Article 43 of this Law have not been met for legitimate reasons.

(3) Temporary residence for humanitarian reasons shall be granted for a minimum of six months and a maximum of one year and may be extended, if the circumstances that the temporary residence was based on still exist.

### **Temporary Residence of a Foreigner Who Is a Presumed Victim of Trafficking in Human Beings**

#### **Article 62**

(1) If during a procedure of establishing a foreigner's identity it is presumed, based on special indicators, that the foreigner is a victim of trafficking in human beings, the state authority responsible for identification and coordination of human trafficking victims protection shall assess the situation and needs of the victim, as well as start the identification of the victim, in accordance with its legal powers in the domain of registered activity.

(2) The competent state authority for identification and coordination of human trafficking victims' protection shall inform the Ministry of Interior on the initiation of the procedure referred to in Paragraph (1) of this Article and shall inform the foreigner about the criteria for approving temporary residence and other rights.

(3) Temporary residence shall be granted to a foreigner presumed to be a victim of trafficking in human beings without his meeting the general criteria referred to in Article 43 of this Law, for the period of 90 days.

(4) During temporary residence, a period for recovery and elimination of any further influence from the perpetrator of the criminal offence on the victim shall be enabled, as well as the possibility for the victim to, based on timely and complete information on his/her status, make an independent decision, without conditioning him/her to testify, to further cooperate with the competent state authority for identification and coordination of human trafficking victims protection, the court, prosecutor's office or the police.

(5) During the period of validity of temporary residence on these grounds, a decision on return may not be issued.

(6) During the validity period of the temporary residence on these grounds, competent government authority for identification and coordination of human trafficking victims protection shall coordinate the protection of victims of trafficking in human beings, and cooperate with other institutions and organisations to provide safety and protection, appropriate and safe accommodation, psychological and material assistance, access to emergency medical services, access to education for minors, counselling and information-sharing about legal rights and rights available to him, in a language he understands.

(7) If there is need for this, translation, interpretation services and assistance in accessing his rights and interests shall be provided, in case of criminal proceedings.

(8) When it is determined that a minor foreigner, who is a presumed victim of trafficking in human beings, is not accompanied by parent, guardian or legal representative, the competent authority, guardianship authority and the police, in cooperation with the competent state authority for identification and coordination of human trafficking victims protection, shall determine whether his family is on the territory of the Republic of Serbia, with the aim of family reunification.

(9) The victim shall not be reunited with his/her family when the state authority responsible for human trafficking victims' protection assesses that reunification of the minor with his/her family is not in his/her best interest, and particularly if there is suspicion that the victim's family is involved in trafficking in human beings. Reuniting a minor with his/her family shall be done only in situations when the competent guardianship authority, in cooperation with the competent state authority for identification and coordination of human trafficking victims' protection, determines that family reunification is in the best interest of the child.

(10) If the family of the victim is not or cannot be found on the territory of the Republic of Serbia, a guardian shall be appointed to the minor, in accordance with the law.

### **Temporary Residence for Victims of Trafficking in Human Beings**

#### **Article 63**

(1) If during the procedure referred to in Article 63, Paragraph (1) of this Law, it is determined that a foreigner is a victim of trafficking in human beings, and that he has made an independent decision to further cooperate with the competent state authority for identification and coordination of human trafficking victims protection, the court, prosecutor's office or the police, the competent authority for identification and coordination of human trafficking victims protection shall inform the Ministry of Interior of the fact, in the form of a professional opinion.

(2) The victim of trafficking in human beings may be granted temporary residence without meeting the criteria referred to in Article 41, Paragraph (2) or Article 43 of this Law.

(3) Victims of trafficking in human beings, including minor victims, shall be granted temporary residence if the competent state authority for identification and coordination of human trafficking victims protection deems their stay necessary for their own protection, recovery and safety, or if the court, prosecutor's office or the police deem their presence necessary for cooperation in the criminal proceedings.

(4) Temporary residence shall be approved to a foreigner who is a victim of trafficking in human beings for a period of one year, with the possibility for extension under same circumstances.

(5) A foreigner that has been granted temporary residence as victim of trafficking in human beings, in addition to the rights referred to Article 62 of this Law, without being conditioned to testify, shall have the right to access the labour market, professional training and education.

(6) A foreigner with temporary residence permit for victims of trafficking in human beings, who does not have enough material resources for necessary treatment, shall be provided access to medical and other necessary assistance by the competent state authority for identification and coordination of human trafficking victims protection, relevant centre for social work and other service providers and organisations.

(7) When granting temporary residence to a minor foreigner, the competent authority shall consider the best interest of the minor, his age and maturity.

### **Termination of Humanitarian Stay and Temporary Residence for the Victims of Trafficking in Human Beings**

#### **Article 64**

(1) Temporary residence for victims of trafficking in human beings or temporary residence referred to in Article 61, Paragraph (1), 3), may be terminated at any time if the foreigner no longer meets the criteria, and in particular:

- 1) If the foreigner who was granted temporary residence has actively, voluntarily and on own initiative renewed contact with the persons suspected of committing a criminal offence in the area of trafficking in human beings and irregular migration, or if it is determined that the report of these criminal offences was false or unfounded;
- 2) If the foreigner who has been granted temporary residence has stopped cooperating, or has used deceit in the process of cooperation;
- 3) When this is required by the reasons of safeguarding the security of the Republic of Serbia and its citizens;
- 4) When the judicial authorities decide to suspend proceedings.

(2) Temporary residence for humanitarian reasons referred to in Article 61, Paragraph (1), 1), 2), 4) and 5) shall be terminated if the circumstances under which the foreigner was granted temporary residence cease to exist, or if this is required by the reasons of safeguarding security of the Republic of Serbia and its citizens.

### **Decision-Making Principles**

#### **Article 65**

(1) The competent authority shall, when making a decision on an application for temporary residence, or application for the extension of temporary residence, in addition to establishing whether general criteria for granting temporary residence have been met, specifically evaluate the circumstances of each individual case, and take into consideration personal, family, economic and social circumstances, as well as the previous durations of stay of the foreigner.

(2) If the competent authority, when making a decision on an application for temporary residence, or the application for the extension of temporary residence, determines that the application should be refused for the reasons of safeguarding the security of the Republic of Serbia and its citizens, the competent authority shall use due



diligence in evaluating the threat posed by the applicant for the security of the Republic of Serbia and its citizens.

(3) The competent authority shall, when making a decision on an application for temporary residence, or application for the extension of temporary residence of a minor, be guided by his best interest.

## **Termination of Temporary Residence**

### **Article 66**

(1) If subsequently discovered that for a foreigner who has been granted temporary residence, there are one or more reasons prescribed for rejecting the request for temporary residence, the competent authority shall issue a decision on the termination of the right to temporary residence.\*

(2) The decision referred to in paragraph (1) of this Article may determine the deadline in which the foreigner is obliged to leave the Republic of Serbia, which cannot be longer than 30 days from the date of delivery of the decision, and a ban on entry may be imposed.\*

(3)\* Article 78 of this Law shall apply accordingly to the issuance of the ban.

(4)\* The competent authority shall, when making the decision on the termination of rights to temporary residence, also evaluate special circumstances of each individual case, and particularly the durations of prior temporary residence of the foreigner, and his personal, family, cultural, economic and other ties to the Republic of Serbia.

(5)\* A foreigner may file an appeal statement to the competent authority against the decision on the termination of rights to temporary residence, within 15 days of the day of receipt of the decision.

(6)\* The appeal shall be lodged in writing, in Serbian, having paid the prescribed fee.

(7)\* The appeal against a decision on the termination of rights to temporary residence shall be decided on by the Ministry of Interior.

(8)\* The appeal shall delay the enforcement of the decision, **save in the case referred to in paragraph (2) of this Article.\***

(9)\* Administrative proceedings may be initiated against the decision made in second-instance procedure. The initiation of administrative proceedings shall not delay the enforcement of the decision of the second-instance authority.

(10) Temporary residence can also be terminated at the request of the foreigner.\*

(11) Temporary residence shall cease to be valid by force of law in the event of the death of the foreigner, the granting of permanent residence of the foreigner in the Republic of Serbia, i.e. the admission of the foreigner to the citizenship of the Republic of Serbia.\*

\*Official Gazette of the Republic of Serbia, no. 62/2023

## **Permanent Residence**

### **Article 67**

(1) Permanent residence is **granting of long-term stay\*** of a foreign national in the Republic of Serbia

(2) Permanent residence shall be granted to a foreigner meeting the criteria referred to in Article 70 of this Law, who has, until the date of application for permanent residence in the Republic of Serbia **resided continuously for three years\*** (3) A foreigner who has temporary residence permit in the Republic of Serbia on the grounds of school or university studies, may not apply for permanent residence in the Republic of Serbia.

(4) A foreigner who has recently spent a certain time on temporary residence on the grounds of school or university studies in the Republic of Serbia, and later on changed grounds for residence in the Republic of Serbia, may apply for permanent residence. Only one-half of the time spent by the foreigner in the Republic of Serbia on the grounds of school or university studies may count as the time required for the approval of permanent residence.

(5) Continuous stay, within the meaning of Paragraph (2) of this Article, is effective stay of the foreigner on the territory of the Republic of Serbia, with the possibility of multiple stays outside the Republic of Serbia up to ten months or single stay up to six months, over a period of **three years.\***

(6) At the moment of application for permanent residence permit, a foreigner must have approved temporary residence, **and the timely submission of a request for granting of permanent residence allows a foreigner to reside legally in the Republic of Serbia until the administrative procedure is completed.\***

(7) Time spent by a foreigner with temporary residence permit serving a prison sentence, shall not count as the time required for granting permanent residence.

(8) A foreigner that has been granted permanent residence is equal in the rights and duties with the citizens of the Republic of Serbia, except for the rights and duties he is exempted from, in accordance with the Constitution and the law.

**(9) The provisions of this Article shall also be applied accordingly to foreigners who have been issued a one single permit.\***

**(10)The minister responsible for internal affairs shall prescribe the detailed conditions for approval of permanent residence and the format of the request for approval of permanent residence.\***

**\*Official Gazette of the Republic of Serbia, no. 62/2023**

## **Permanent Residence in Special Cases**

### **Article 68\***

**(1) Notwithstanding Article 67 hereof, for permanent residence shall be granted to a foreigner meeting the conditions set forth in Article 70 of this Law and in particular:\***

- 1) to a minor, if one of the parents is a citizen of the Republic of Serbia or a foreigner to whom permanent residence has been granted;\***
- 2) to the one originating from the Republic of Serbia;\***
  - 3) is of Serbian origin;\***
  - 4) other foreigner, if in the interest of the Republic of Serbia.\***

**\*Official Gazette of the Republic of Serbia, no. 62/2023**

**Article 68a\***

- (1) Permanent residence shall be granted to a foreigner who has resided continuously in the Republic of Serbia for more than three years on the basis of the granted right to asylum.\*
- (2) For the granting of permanent residence to a foreigner from paragraph (1) of this Article, as well as to a member of his immediate family, who meets the conditions for granting permanent residence from Article 67 of this Law, it is not necessary to fulfill all the conditions prescribed in Article 70 of this Law, taking into account the specific and personal circumstances of the foreigner who has been granted asylum and the member of his immediate family.\*

\*Official Gazette of the Republic of Serbia, no. 62/2023

**Decision-Making Authority****Article 69**

(1) Application for permanent residence in the Republic of Serbia shall be submitted personally on a prescribed form by a foreigner to the competent authority responsible for the place where he was granted temporary residence in the Republic of Serbia.

(2) An application for permanent residence of a foreigner in the Republic of Serbia shall be decided on by the Ministry of Interior within 60 days of the day of the application.

(3) When making a decision on a submitted application for permanent residence permit, in addition to assessing whether criteria referred to in Articles 67, 68, 68a\* and 70 of this Law have been met, the Ministry of Interior shall also ask for an assessment from the state authority responsible for safeguarding the security of the Republic of Serbia about whether permanent residence of the foreigner on the territory of the Republic of Serbia may present an unacceptable security-related risk.

(4) The deadline for issuing the assessment shall be 55 days from the day of the submission of application for review.

(5) The request for permanent residence can be submitted electronically.\*

(6) The detailed conditions for submitting the request for granting permanent residence electronically shall be prescribed by the minister responsible for internal affairs.\*

\*Official Gazette of the Republic of Serbia, no. 62/2023

**Eligibility Criteria for Permanent Residence****Article 70\***

- (1) Along with the request for granting permanent residence, a foreigner shall also enclose:\*
  - 1) the valid personal or official passport or the valid identity card of the country whose citizens, in line with the applicable regulations, may enter the Republic of Serbia, with an identity card;\*
  - 2) proof that he has means of support;\*
  - 3) proof of health insurance;\*

- 4) proof of justification of the request for granting permanent residence;\*
  - 5) proof of the paid prescribed fee.\*
- (2) A foreigner granted permanent residence shall be issued a foreigner's identity card.\*
- (2) A foreigner shall personally take over the foreigner's identity card.\*

\*Official Gazette of the Republic of Serbia no. 62/2023

## Refusal of Permanent Residence Application

### Article 71

- (1) Application for permanent residence shall be refused to a foreigner:
- 1) Who does not meet the criteria referred to in Articles 67, 68, 68a\* and 70 of this Law;
  - 2) Who has been issued an enforceable prison sentence in the duration of over six months for a criminal offence prosecuted *ex officio*, or if proceedings have been initiated for such an offence;
  - 3) If so required by reasons of safeguarding the security of the Republic of Serbia and its citizens;
  - 4) If the foreigner has a valid ban on entry into the Republic of Serbia;
  - 5) If the foreigner has been ordered a safety measure or measure of expulsion of foreigner.

(2) When making a decision on the submitted request for permanent residence, in the event of the existence of reasons from paragraph (1) items 2) and 3) of this Article, the special circumstances of each individual case shall be evaluated, especially the seriousness of the committed criminal offense for which he is being prosecuted *ex officio*, the threat that the applicant poses to the security of the Republic of Serbia and its citizens in the event of further stay in the territory of the state, taking into account the length of previous temporary residence and his personal, family, cultural, economic and other ties with the Republic of Serbia.\*

(3) The refusal of an application for permanent residence in the Republic of Serbia shall be without prejudice to the foreigner's further stay in the Republic of Serbia based on approved temporary residence, if he meets the criteria provided by the provisions of this Law regulating temporary residence.

(4) An appeal statement may be filed against the decision on refusing the application for permanent residence by the foreigner to the authority that has made the decision, within 15 days of the day of receipt of the decision.

(5) The appeal shall be lodged in writing, in Serbian, having paid the prescribed fee.

(6) The Government shall decide on the appeal against a decision to refuse an application for permanent residence.

(7) The appeal shall delay the enforcement of the decision.

(8) Administrative proceedings may be initiated against a decision made in the second-instance procedure. The initiation of the administrative proceedings shall not delay the enforcement of the decision of the second-instance authority.

\*Official Gazette of the Republic of Serbia, no. 62/2023

## **Termination of Rights to Permanent Residence**

### **Article 72**

(1) A foreigner's right to permanent residence in the Republic of Serbia shall be terminated if:

- 1) He presents a real and serious threat to public order or his further stay on the territory of the country presents an unacceptable risk for the security of the Republic of Serbia and its citizens;
- 2) He has been issued a protective measure of removal, or security measure of expulsion;
- 3) He has provided false information about his identity or concealed circumstances of importance for making decisions about his rights during previous procedure;
- 4) If it is determined that he has moved out of the Republic of Serbia or stayed continuously abroad for longer than one year;
- 5) If he has renounced his rights to permanent residence.

(2) A foreigner shall present a real and serious threat to public order if he has been issued an enforceable prison sentence for a criminal offence for a period longer than one year, if over the period of five years he was issued enforceable prison sentences in the total duration of three years, or if he was issued an enforceable prison sentence for crimes against humanity and other assets protected by international law.

(3) When making a decision on the termination of rights to permanent residence, special merit shall be given to the circumstances of each individual case, taking into account primarily the duration of prior stay of the foreigner in the Republic of Serbia, personal and family circumstances, and the foreigner's ties to the Republic of Serbia, against the threat he poses to the public order, and particularly the severity of the perpetrated criminal offence.

(4) If the decision on the termination of rights to permanent residence is made for the reasons referred to in Paragraph (1), 1), 2) and 3) of this Article, the Ministry of Interior shall define a deadline for the foreigner to depart from the Republic of Serbia, which may not exceed 30 days. The decision on the termination of permanent residence may also contain a ban on entry over a certain period of time.

(5) Article 78 of this Law shall apply accordingly to the issuance of the ban.

(6) The Ministry of Interior shall decide on the termination of rights to permanent residence.

(7) An appeal statement may be filed against the decision on terminating the rights to permanent residence by the foreigner to the authority that has made the decision, within 15 days of the day of receipt of the decision.

(8) The appeal shall be lodged in writing, in Serbian, having paid the prescribed fee.

(9) The appeal shall delay the enforcement of the decision.

(10) The Government shall decide on an appeal against a decision to refuse an application for permanent residence.

(11) Administrative proceedings may be initiated against a decision made in the second-instance procedure. The initiation of administrative proceedings shall not delay the enforcement of the decision of the second-instance authority.

## Reacquisition of Rights to Permanent Residence

### Article 73

(1) A foreigner who was terminated rights to permanent residence because he moved out of the Republic of Serbia or stayed continuously abroad for over one year, may reapply for permanent residence, if before the moment of application, he has had a temporary residence permit in the Republic of Serbia continuously for three years.

(2) In the application procedure referred to in Paragraph (1) of this Article, the provisions of Articles 69-71 of this Law shall apply accordingly.

## V. ILLEGAL STAY AND RETURN PROCEDURE

### Illegal Stay

#### Article 74

- (1) The stay of a foreigner in the Republic of Serbia shall be considered illegal if:
- 1) The foreigner has entered the Republic of Serbia illegally;
  - 2) The foreigner has stayed in the Republic of Serbia for longer than 90 days over a period of 180 days **i.e. longer than the period of residence of a foreigner, set forth by the international agreement;\***
  - 3) The foreigner has exceeded his stay in the Republic of Serbia granted to him in an issued visa, or his visa was annulled or revoked;
  - 4) The foreigner's temporary residence has expired or has been terminated, except in case referred to in Article 41, Paragraph (8)\* of this Law;
  - 5) The foreigner's rights to permanent residence have been terminated;
  - 6) The foreigner has no other legal grounds to stay on the territory of the Republic of Serbia;
  - 7) The foreigner has expressed intent to apply for asylum, but has not reported to the accommodation facility for asylum seekers within 72 hours, has not informed the Asylum Office about his intent to change address of residence or has left the accommodation facility for asylum seekers on his own accord, before applying for asylum;
  - 8) The foreigner's application for asylum has been refused or rejected by a final decision, the asylum application procedure was suspended or his right to temporary protection or asylum was terminated for reasons provided by the law, but he has not obeyed the issued order to leave the territory of the Republic of Serbia issued in a final decision of the authority that made the decision on his asylum application;
  - 9) The foreigner was issued a protection measure of removal or security measure of expulsion.

(2) In case that the criteria referred to in Paragraph (1), 1)-8) of this Law have been met, after the finalisation of the procedure, the competent authority shall issue a decision on return.

**\*Official Gazette of the Republic of Serbia, no. 62/2023**

## **Principles in the Return Procedure**

### **Article 75**

(1) During the return procedure, the competent authority shall take into consideration the specific situation of vulnerable persons, family and health status of the person returning, as well as the best interest of minors.

(2) When undertaking police measures and actions against the foreigners referred to in Paragraph (1) of this Article, the competent authority must act in accordance with the regulations governing the position of people with disabilities and international treaties.

(3) During the return procedure, actions shall be in accordance with the family unity principle, regarding the unity of all family members present on the territory of the Republic of Serbia.

(4) Before issuing a decision on returning an unaccompanied minor, he must be provided with adequate assistance of a service for social protection of children and youth.

(5) If necessary, during the return procedure, a translator for a language that the foreigner understands, or is rightfully assumed to understand, shall be provided.

(6) Competent authority shall, at the foreigner's request, provide written translation of the disposition of the decision on return, translation of the ban on entry if issued, and translation of the legal remedy into a language that the foreigner understands, or may be rightfully assumed to understand.

### **Exception from the Provisions**

#### **Article 76**

Provisions on the return of foreigner shall not apply in case of refusal of entry to a foreigner pursuant to Article 15 of this Law.

### **Decision on Return and Time Allowed for Voluntary Return**

#### **Article 77**

(1) A foreigner staying illegally on the territory of the Republic of Serbia shall be issued a decision on return by the competent authority and set a time allowed for voluntary return, during which he must leave the Republic of Serbia.

(2) The foreigner must, in accordance with the decision on return, depart from the Republic of Serbia. The foreigner has departed from the Republic of Serbia voluntarily if he has fulfilled the obligation to return within the time allowed for this in the decision on return.

(3) If the foreigner does not leave the Republic of Serbia in accordance with the decision on return, he will be forcibly removed from the Republic of Serbia.

(4) When determining the time referred to in Paragraph (1) of this Article, the competent authority shall take into consideration time available to the foreigner to leave the territory of the Republic of Serbia, as well as circumstances referred to in Article 75 of this Law, but this time may not be shorter than seven days nor longer than 30 days from the day of issuance of the decision on return. A foreigner may also be ordered to cross the border at a specific border crossing point and to report to the police officer at the border crossing point.

(5) The competent authority may extend the time allowed for voluntary return to a foreigner who has not departed from the Republic of Serbia within the time provided, for legitimate reasons.

(6) During the time allowed for voluntary return, the foreigner shall have the right to emergency medical assistance in accordance with the law regulating health insurance, in case of minors, the right to primary school education, as well as the right to be enrolled

in the voluntary return programme implemented by the authority responsible for migration management, according to the programme adopted by the Government at the proposal of this authority. After the foreigner is included in the voluntary return programme referred to in this Law, he will exercise the rights in accordance with the provisions of the law regulating the area of asylum, prescribing voluntary return.

(7) The competent authority may issue a decision on return ordering the foreigner to leave the territory of the Republic of Serbia immediately or within seven days, if there is risk that the foreigner will not be available to the competent authority to execute forced removal, or if the foreigner presents a threat to the security of the Republic of Serbia and its citizens.

(8) The foreigner shall be considered to have departed from the Republic of Serbia when he enters another country into which he is approved to enter.

(9) In cases when a decision on return has been issued, and the foreigner is subsequently granted temporary residence pursuant to Article 61 of this Law, the decision on return shall be considered void.

## **Ban on Entry**

### **Article 78**

(1) When issuing a decision on return, the competent authority may also issue a ban on entry into the Republic of Serbia to a foreigner for a certain period of time, if:

- 1) The foreigner is not allowed time for voluntary return, pursuant to Article 77, Para (7) of this Law;
- 2) The foreigner has not fulfilled the obligation to depart from the Republic of Serbia in accordance with the time allowed for voluntary return, ordered in a prior decision on return.

(2) A foreigner may be issued a ban on entry into the Republic of Serbia for a certain period of time, also in cases when:

- 1) There is reasonable doubt that the stay has not been used for intended purpose;
- 2) The foreigner has violated regulations on employment and work of foreigners, prevention of disorder at sports events, public peace and order, weapons, drug abuse or taxes;
- 3) The foreigner was issued an enforceable sentence for a criminal offence prosecuted *ex officio*, or if proceedings have been initiated for such a criminal offence;
- 4) The foreigner has repeatedly perpetrated misdemeanours;
- 5) The foreigner is responsible for a misdemeanour or is convicted of a criminal offence with elements of violence or if proceedings have been initiated for such a misdemeanour or criminal offence;
- 6) The foreigner has been issued a prison sentence longer than one year;
- 7) The foreigner has over the period of five years been sentenced to multiple prison sentences in total duration of a minimum of three years;
- 8) The foreigner has been issued a prison sentence for a criminal offence against internationally protected rights;
- 9) If so required by the reasons of safeguarding the security of the Republic of Serbia and its citizens;
- 10) If the foreigner enters into a marriage of convenience.



(3) The duration of the ban on entry shall be determined taking into account all the circumstances of the individual case and shall not be issued for a period longer than five years, unless in case the foreigner presents a serious threat to the security of the Republic of Serbia and its citizens.

(4) A ban on entry may be stamped into a foreigner's travel document.

(5) The competent authority may abstain from issuing the measure of ban on entry in individual cases for humanitarian reasons, particularly if the circumstances referred to in Article 75, Paragraph (1) and (3) of this Law exist.

(6) The layout of the entry ban stamp and the manner of entering it into a foreign travel document shall be prescribed by the Minister responsible for internal affairs.

### **Reduction and Revocation of Entry Ban**

#### **Article 79**

(1) A foreigner who has departed from the Republic of Serbia voluntarily in accordance with a decision on return, and when one-half of the duration of his ban on entry into the Republic of Serbia has passed, may submit a request to the competent body to revoke, or reduce the ban on entry for personal or humanitarian reasons, or if he feels that the reasons for which he was issued the ban have ceased to exist.

(2) An appeal statement against the decision on refusing the request to revoke or reduce the ban on entry may not be filed, but administrative proceedings may be initiated.

(3) The competent authority may, *ex officio*, at any given time revoke a ban on entry into the Republic of Serbia in individual cases, if circumstances referred to in Articles 62 and 63 of this Law exist.

### **Right to Appeal**

#### **Article 80**

(1) An appeal statement may be filed against a decision on return by a foreigner to the competent authority, within 15 days of the day of the issuance of the decision. The appeal shall be lodged in writing, in Serbian, having paid the prescribed fee.

(2) The Ministry of Interior shall decide on the appeal against a decision on return.

(3) Appeal against a decision on return shall not delay enforcement of the decision, except in cases when there is real danger of violating rights provided in Article 83 of this Law or if there are serious humanitarian reasons for this.

(4) Administrative proceedings may be initiated against the decision made in the second-instance procedure.

## **VI. DETENTION AND FORCED REMOVAL**

### **Forced Removal**

#### **Article 81**

(1) A foreigner may be forcibly removed from the Republic of Serbia if:

- 1) He does not leave the Republic of Serbia within the time allowed for voluntary return;
- 2) Time allowed for voluntary return has not been issued;
- 3) A security measure of expulsion or protection measure of removal of foreigner from the country has been ordered by the court.

(2) If forced removal is executed because of the reasons prescribed in Paragraph (1), 3) of this article, the competent authority shall issue a decision on revoking stay and a ban on entry of the foreigner into the Republic of Serbia, during the time that an issued security measure of expulsion or protective measure of removal of the foreigner from the

country is in effect, and set a deadline to depart from the territory of the Republic of Serbia, which may not exceed 30 days. An appeal statement may not be filed against a decision referred to in this Paragraph, but administrative proceedings may be initiated.

(3) Forced removal shall be done by police officers of the competent authority or reception centre, in line with their powers.

(4) In order to ensure forced removal, a foreigner's travel and other documents, travel tickets as well as material possessions may be temporarily seized, in accordance with the provisions of the Law on Police.

(5) The Minister responsible for internal affairs shall adopt the act regulating in more detail the conditions and manner of executing forced removal of a foreigner from the Republic of Serbia.

### **Monitoring of the Procedure of Forced Removal**

#### **Article 82**

In accordance with the competences referred to in the Law on Ombudsman and the Law on Ratification of Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Ombudsman shall monitor the procedure of forced removal of a foreigner.

### **Prohibition of Forced Removal**

#### **Article 83**

(1) A foreigner may not be forcibly removed to a territory where he would be under threat of persecution on the grounds of his race, sex, sexual orientation or gender identity, religion, nationality, citizenship, membership of a particular social group or his political views.

(2) The provision in Paragraph (1) of this Article shall not apply to a foreigner who is, on reasonable grounds, regarded as a threat to security of the Republic of Serbia or to a foreigner who has been issued an enforceable sentence for a severe criminal offence, wherefore he represents a threat to public order.

(3) Notwithstanding Paragraph (2) of this Article, a foreigner may not be forcibly removed to a territory in which he would be under risk of death penalty, torture, inhuman or degrading treatment or punishment, or where he would be under threat of serious violation of rights guaranteed to him by the Constitution.

(4) An unaccompanied minor shall not be forcibly removed, unless in case when the competent body is convinced that the minor would be returned to a family member, guardian, or adequate child care institution.

### **Delay of Forced Removal**

#### **Article 84**

(1) A decision to delay forced removal shall be issued by the competent authority if there are reasons prescribed in Article 83 of this Law or if:

- 1) The foreigner's identity has not been established, and not through a fault of his own;
- 2) If it is not possible to transport the foreigner from the Republic of Serbia;
- 3) If serious difficulties emerge, related to psychological, physical or health status of the foreigner.

(2) When forced removal is delayed for one family member, the competent authority shall take into account the principle of family unity when issuing a decision to delay forced removal of other family members.

(3) When making a decision to delay forced removal, the competent authority may order stay in accordance with Article 93 of this Law.

(4) A foreigner whose forced removal has been delayed, shall have the right to access emergency medical assistance, in accordance with the provisions of the law regulating health insurance, and in case of minors, also the right to primary school education.

(5) The foreigner whose forced removal has been delayed shall still have the obligation to depart from the Republic of Serbia.

(6) The foreigner whose forced removal has been delayed shall be issued a temporary identity card for foreigners.

#### **Article 85**

(1) The delay of forced removal shall be granted to a period of up to one year and may be extended by the competent authority.

(2) The delay of forced removal shall be revoked if the grounds for delay cease to exist or if the foreigner does not fulfil obligations deriving from mandatory stay.

(3) In case of expiry, or annulment of delay of forced removal pursuant to Paragraph (2) of this Article, a foreigner must return to the competent body the document referred to in Article 84, Paragraph (6) of this Article.

(4) An appeal statement may be filed with the competent authority within eight days of the day of issue of the decision.

(5) The appeal shall be lodged in writing, in Serbian, having paid the prescribed fee.

(6) The appeal shall delay the enforcement of the decision.

(7) The Ministry of Interior shall decide on the appeal.

(8) Administrative proceedings may be initiated against the decision made in the second-instance procedure.

### **Identity Check and Detaining of a Foreigner**

#### **Article 86**

(1) A foreigner may be detained in the premises of the competent authority, in accordance with the law and other regulations, in order to establish his identity or the legality of his stay on the territory of the Republic of Serbia.

(2) If so required by the reasons of ensuring forced removal, the foreigner who was issued a decision on return may be detained in the premises of the competent authority in order to be escorted to a border crossing point.

### **Order of Stay in the Reception centre**

#### **Article 87**

(1) A foreigner who is in the return procedure shall be ordered to stay in the reception centre, with the purpose to prepare the return or execute forced removal, based on the decision of the competent authority or border police.

(2) The foreigner's stay in the reception centre referred to in Paragraph (1) of this Article, shall be ordered by the competent authority or border police if in that specific case, provisions related to mandatory stay of foreigner referred to in Article 93 of this Law cannot apply efficiently, and particularly if:

- 1) There is risk that the foreigner will not be available to the competent authority to execute forced removal;

- 2) The foreigner is avoiding or interfering with the preparations for return or forced removal.
- 3) his stay in the territory of the Republic of Serbia shall represent an unacceptable security risk for the Republic of Serbia and its citizens, in accordance with Article 9 of this Law.\*

(3) The risk that the foreigner will not be available to the competent authority to execute forced removal shall mean that there are valid reasons to believe that the foreign national will not depart from the Republic of Serbia and act in accordance with the decision on return. Valid reasons referred to in this Law shall exist if the foreigner:

- 1) Does not have documents to establish his identity;
- 2) Does not cooperate in the return procedure and is interfering with his return;
- 3) Has not departed from the Republic of Serbia voluntarily;
- 4) Has not cooperated in the procedure of establishing identity or citizenship, or gave false or contradictory information about himself;
- 5) Is using or has used false or forged documents;
- 6) Has attempted to enter or has already entered into the Republic of Serbia illegally;
- 7) Has not fulfilled his obligations derived from the order on mandatory stay in a particular place;
- 8) Does not have any relatives or social ties in the Republic of Serbia;
- 9) Does not have any means to provide accommodation or subsistence.

(4) It shall be considered that a foreigner is avoiding or interfering with the preparations for return and forced removal if his identity cannot be established, or if the foreigner does not have a travel document.

(5) As exception to Paragraph (1) of this Article, a foreigner who has health or other special needs, shall be provided with other suitable accommodation.

(6) A foreigner who is ordered to stay in the reception centre, shall be as soon as possible, in writing, in a language he can understand, or it can be rightfully assumed that he understands, informed of the reasons for ordering stay.

\*Official Gazette of the Republic of Serbia, no. 62/2023

## **Duration of Stay in the Reception centre**

### **Article 88**

(1) The foreigner shall stay in the reception centre for as little as possible, and during the foreigner's stay in the reception centre it must be sufficiently evident that the foreigner can be forcibly removed. The duration of stay in the reception centre shall not be longer than 90 days.

(2) After the expiry of the time period referred to in Paragraph (1) of this Article, the stay of a foreigner in the reception centre may be extended for a maximum of additional 90 days, if:

- 1) The foreigner's identity has still not been established;
- 2) The foreigner is deliberately interfering with forced removal.

(3) A decision on extending the stay of a foreigner in the reception centre shall be made by the Ministry of Interior, no later than 15 days before the expiry of the time set for his stay in the reception centre.

(4) The total time of stay in the reception centre may not exceed 180 days.

(5) Time spent by the foreigner serving a prison sentence or in custody, shall not count as time spent in the reception centre.

### **Release from the Reception centre**

#### **Article 89**

The foreigner shall be released from the reception centre if:

- 1) Conditions referred to in Article 87, (1), (2) and (3) cease to exist;
- 2) Pursuant to Article 90 of this Law, the court decides that the foreigner should be released from the reception centre;
- 3) The duration referred to in Article 88 in this Law has expired;
- 4) The foreigner seeks asylum in the Republic of Serbia, unless there are reasons to limit the movement of the asylum seeker, in accordance with the provisions of the law regulating asylum.

### **Legal Remedies in the Procedure of Placing a Foreigner in the Reception centre**

#### **Article 90**

(1) Appeal against a decision of the competent authority or border police on placing a person in the reception centre and a decision on the extension of stay shall not be allowed.

(2) Administrative proceedings may be initiated against the decision, within 8 days of the day of delivery of the decision.

(3) The initiated proceedings shall not delay the enforcement of the decision.

(4) The court shall decide on the initiated proceedings within 15 days of the date of initiating the proceedings.

### **House Rules and Rules of Stay in the Reception centre**

#### **Article 91**

(1) A foreigner must observe the house rules and rules of stay in the reception centre, which he cannot leave without permission.

(2) House rules and rules of stay in the reception centre shall be prescribed by the Minister responsible for internal affairs. The house rules shall specifically regulate:

- 1) The obligation of the foreigner not to leave the reception centre without approval;
- 2) The obligation of the foreigner to cooperate in the return procedure and to obey house rules and rules of stay in the reception centre;
- 3) The right of the foreigner to contact a lawyer, family members and competent consular services;
- 4) The right of the foreigner to emergency medical assistance;
- 5) The right of the foreigner to spend a certain period during the day in the open and to be given opportunity for recreation;
- 6) The right of the foreigner to express discontent with the accommodation in the reception centre as per provided procedure;

- 7) The obligations of relevant authorities to take into consideration the needs of vulnerable persons;
- 8) The right of the relevant and competent national, international and non-governmental organisations to visit the reception centre;
- 9) The obligation of the reception centre to give the foreigner access to information on house rules and rules of stay in a language he understands, or can be assumed to understand;
- 10) The rules of conduct of police officers in the reception centre in case a foreigner is violating house rules and rules of stay in the reception centre.

### **Placement of a Minor in the Reception centre**

#### **Article 92**

(1) A minor foreigner shall be placed in the reception centre together with his parent, guardian, or legal representative, only as an ultimate measure and for the shortest possible period of time.

(2) Families placed in the reception centre awaiting removal shall be offered separate accommodation guaranteeing a certain need for privacy.

(3) Minors who stay in the reception centre shall be enabled to participate in activities including games and recreational activities appropriate to the minors' age and depending on the length of stay in the reception centre, he must also have access to primary education.

(4) During the stay of a minor in the reception centre, his best interest shall be taken into account.

(5) Minor foreigner unaccompanied by parents, guardians or legal representatives shall be ordered by the competent centre for social work, after the proper legal procedure has been implemented, to stay in a social protection institution or specialised centre for accommodation of unaccompanied minor foreigners.

(6) Means for accommodation of the minor foreigner referred to in Paragraph (5) of this Article in the social protection institution or specialised centre for unaccompanied foreigners shall be charged to the budget of the Republic of Serbia.

### **Mandatory Stay in a Particular Place**

#### **Article 93**

(1) The competent authority shall issue a decision imposing mandatory stay in a particular place (hereinafter: mandatory stay), when in accordance with Article 87 of this Law there is risk that the foreigner will not be available to the competent authority to execute forced removal, and placing the person in the reception centre would not be a proportionate measure, or in the case that the foreigner has been issued a decision on delaying forced removal referred to Article 84 of this Law.

(2) Mandatory stay may be approved for a period of up to one year and may be extended to the same period of time, depending on the existence of reasons for which the mandatory stay is ordered.

(3) A foreigner who has been ordered mandatory stay, must stay at a particular address and report to the competent authority in accordance with the schedule stated in the decision referred to in Paragraph (1) of this Article.

(4) When there are valid reasons for this, the competent authority may issue a decision approving that the foreigner temporarily leaves the place of mandatory stay.

(5) A foreigner who has no travel document shall be issued a temporary identity card.

(6) A foreigner who, with the intent to disable or disrupt forced removal, acts contrary to obligations referred to in Paragraphs (2) and (3) of this Law, shall be ordered to stay in the reception centre by the competent authority, in accordance with Article 87 of this Law.

(7) An appeal statement may be filed against the decision referred to in Paragraph (1) of this Article, as well as against the decision referred to in Paragraph (4) of this Law, within eight days of the date of receipt of the decision.

(8) The appeal shall be lodged in writing, in Serbian, having paid the prescribed fee. The appeal shall be decided on by the Ministry of Interior.

(9) The appeal shall not delay the enforcement of the decision.

(10) Administrative proceedings may be initiated against the decision made in the second-instance procedure.

(11) Mandatory stay shall be entered into the travel document of the foreigner by affixing the mandatory stay sticker, the layout of which and manner of entry shall be prescribed by the Minister responsible for internal affairs.

### **The Costs of a Foreigner's Return\***

\*Official Gazette of the Republic of Serbia, no. 62/2023

#### **Article 94\***

- (1) The costs of accommodation and stay in a reception center and other costs incurred during forced removal shall be borne by the foreigner.\*
- (2) In order to collect the costs from paragraph (1) of this Article, funds will be seized from the foreigner, and a certificate thereof shall be issued.\*
- (2) Funds seized from a foreigner shall be used to cover the costs of forced removal, by issuing a certificate on the costs of forced removal.\*
- (3) In case the foreigner has no funds for the collection of costs referred to in paragraph (1) hereof, the costs shall be borne by:
  - 1) a natural or legal person who undertook to bear the costs of the stay and forced removal of a foreigner from Article 27, paragraph (2) of this Law;\*
  - 2) the carrier who did not transport the foreigner in accordance with Article 13, paragraph (2) and (3) of this Law;\*
- 3) organizer of tourist or business trips referred to in Article 13, paragraph (4) of this Law;\*
- 4) an employer who employed a foreigner contrary to the provisions of this Law or the regulations regulating the employment of foreigners.\*
- (5) In the case referred to in paragraph (4) of this article, the Ministry of Interior shall determine by decision the amount of the costs of forced removal of a foreigner, taking into account the actual costs.\*
- (6) No appeal shall be allowed against the decision from paragraph (5) of this Article, but an administrative dispute may be initiated.\*

(7) Collection of the costs of forced removal from paragraph (4) of this Article shall expire after five years, counting from the date of execution of the decision from paragraph (5) of this Article.\*

(8) Costs that cannot be collected in the manner referred to in para. (1)–(4) of this Article shall be borne by the budget of the Republic of Serbia.\*

(9) The costs of forced removal of a foreigner shall include the costs of obtaining a travel document of the foreigner's country of origin, a travel ticket for returning to the foreigner's country of origin, the costs of housing the foreigner in a reception center for foreigners, the costs of accommodation and travel of the police escort abroad, as well as other costs that may arise in connection with the forced removal of a foreigner.\*

(10) The form of the certificate of the seized funds, the form of the certificate of the costs of forced removal and the method of calculating the costs of forced removal shall be prescribed by the minister responsible for internal affairs.\*

\*Official Gazette of the Republic of Serbia, no. 62/2023

## **VII. TRAVEL DOCUMENTS FOR FOREIGNERS**

### **Types of Travel Documents for Foreigners**

#### **Article 95**

Travel documents for foreigners, within the meaning of this Law, shall be travel document for stateless person and foreigner laissez-passer.

#### **Travel Document for Stateless Person**

#### **Article 96**

(1) Travel document for stateless person shall be issued by the competent authority, in accordance with an international treaty.

(2) Travel document for stateless person shall be issued for a period of up to two years.

#### **Foreigner Laissez-Passer**

#### **Article 97**

(1) Foreigner laissez-passer shall be issued to a foreigner without a valid travel document if:

- 1) His citizenship of the Republic of Serbia has been terminated – to go abroad;
- 2) He has lost a foreign travel document or is left without it in a different way, and the country of his citizenship does not have a diplomatic or consular mission in the Republic of Serbia, nor are its interests represented by another country – to go abroad;
- 3) He is being removed forcibly – to go abroad.

(2) Foreigner laissez-passer may be issued to other foreigners if there are legitimate reasons for this.

#### **Authority to Issue Foreigner Laissez-Passer**

#### **Article 98**

(1) Foreigner laissez-passer shall be issued:



- 1) In the case referred to in Article 97, Paragraph (1) of this Article – competent authority;
  - 2) In the cases referred to in Article 97, Paragraph (2) of this Article – competent authority or diplomatic or consular mission with prior consent from the Ministry of Interior.
- (2) Lessez-passer for foreigner shall be issued with a validity period of up to 30 days.
- (3) The layout of the form and procedure of issuing a foreigner lessez-passer shall be prescribed by the Minister responsible for internal affairs.

### **Refusal of the Application to Issue a Travel Document for Foreigners**

#### **Article 99**

- (1) A foreigner shall not be issued a travel document for foreigners:
  - 1) If criminal, or misdemeanour proceedings have been brought against him, unless there is consent from the authority leading the proceedings;
  - 2) If he was sentenced to a prison sentence or to pay a fine, until he serves the sentence or pays the fine;
  - 3) If he has not settled a property-related liability due for payment and imposed by a final decision, at the request of the competent court;
  - 4) If this is required for the reasons of safeguarding public order or security of the Republic of Serbia;
  - 5) If this is required by international commitments made by the Republic of Serbia.
- (2) Travel document for foreigner referred to in Article 97, Paragraph (1), 3) may be issued even though obstacles referred to in Paragraph (1), 1)-4) of this Law exist.
- (3) An appeal statement may be filed against the decision on refusing the application for issuing a travel document for foreigners referred to in Articles 96 and 97 of this Law, with the authority that has made the decision, within eight days of the day of receipt of the decision.
- (4) The appeal shall be lodged in writing, in Serbian, having paid the prescribed fee.
- (5) The Ministry of Interior or Ministry responsible for foreign affairs shall decide on the appeal against the decision on refusing the application to issue travel document referred to in Articles 96 and 97 of this Law, depending on the authority that has made the decision referred to in Paragraph (1) of this Article.
- (6) The appeal shall not delay the enforcement of the decision.
- (7) Administrative proceedings may be initiated against the decision made in the second-instance procedure.
- (8) For reasons provided in Paragraph (1) of this Article, a travel document for foreigners that has already been issued, may be temporarily taken away from a foreigner, of which a receipt shall be issued.
- (9) The competent authority shall return the temporarily taken away travel document for foreigners, after the reasons referred to in Paragraph (1) of this Article have ceased to exist.

## VIII. IDENTITY DOCUMENTS

### Types of Identity Documents

#### Article 100

(1) A foreigner shall prove his/her identity in the Republic of Serbia by means of a valid foreign travel document, valid identity card issued by the competent authority of another country, identity card for foreigners, temporary identity card for foreigners and special identity card.

(2) A foreigner shall prove his identity in the Republic of Serbia with a temporary residence permit and one single permit.\*

\*Official Gazette of the Republic of Serbia, no. 62/2023

### The Use of Identity Documents

#### Article 101

(1) A foreigner must produce an identity document referred to in Article 100 of this Law at the request of a police officer.

(2) A foreigner must not give his identity document for use to another person, nor may he use an invalid or someone else's document as his own.

#### Content of the temporary residence permit form, i.e one single permit\*

\*Official Gazette of the Republic of Serbia, no. 62/2023

#### Article 101a\*

- (1) A temporary residence permit, i.e. one single permit, shall be issued in the form of a card, on a form with personalized data on the type of permit.\*
- (2) The form referred to in paragraph (1) of this Article shall contain the following information: surname, first name, day, month and year of birth, gender, foreigner registration number, country of birth, citizenship, basis of residence and a note.\*
- (3) In the form referred to in paragraph (1) of this Article, images of the foreigner's biometric data shall be entered, namely: photograph and signature, as well as the registration and serial number of the permit, date of issue, validity period and issuing authority.\*
- (4) The form referred to in paragraph (1) of this Article shall contain a microcontroller (chip) into which visible data on the document and data on the foreigner's residential address, biometric fingerprint of the foreigner, data on the right to work, as well as other data on the foreigner and the natural and legal persons connected thereto, in accordance with the provisions of the law regulating records and data processing in the field of internal affairs, as well as space for a machine-readable zone for the purposes of automatic data reading.\*
- (5) At the request of a foreigner who is issued or has been issued a temporary residence permit, i.e. one single permit, in accordance with special regulations, the holder's qualified electronic certificate and appropriate data for forming a

qualified electronic signature shall be entered into the microcontroller (chip), so that the permit becomes a means of forming a qualified electronic signature.\*

- (6) The form from paragraph (1) of this Article shall be printed in the Serbian language, in Cyrillic script and in English, and the data on the foreigner's surname and first name shall be entered as they are entered in the foreigner's travel document in transcription in English, while the data on citizenship shall be entered in the way that the internationally recognized three-letter code indicates the country of which the foreigner is a citizen, and data on the country of birth of the foreigner shall be written in Cyrillic script, in the way that the country of which the foreigner is a citizen is called in the Serbian language.\*

\*Official Gazette of the Republic of Serbia, no. 62/2023

### **Issuing Temporary Residence Permit, i.e. One Single Permit\***

\*Official Gazette of the Republic of Serbia, no. 62/2023

#### **Article 101b\***

- (1) A foreigner who meets the conditions for the approval of a temporary residence, i.e. one single permit, shall be issued by the competent authority a permit for atemporary residence, i.e.one single permit, where the personal presence of the foreigner is required in order to take his biometric data.\*
- (2) Fingerprints and signatures shall not be taken for a minor foreigner until he reaches the age of twelve, and when issuing a temporary residence permit to a minor foreigner, the presence of one parent, guardian, or legal representative shall be necessary.\*
- (3) A foreigner who is issued a temporary residence permit, i.e. one single permit, and who, due to his religious or national customs, wears a cap or a headscarf as an integral part of his costume, i.e. clothing, may be photographed with the cap or headscarf.\*
- (4) When taking biometric data, a foreigner shall be issued a certificate that serves as proof of the initiated process of issuing a temporary residence permit, i.e. one single permit.\*
- (5) In the process of issuing a temporary residence permit, i.e. one single permit, a prescribed fee must be paid, in accordance with the law.\*
- (6) A foreigner whose temporary residence permit, i.e. one single permit is damaged or if the photograph no longer matches his appearance, i.e. when for other reasons it cannot serve its purpose,shall be bound to, within 15 days from the date of occurrence of the reason thereof, submit a request for the issuance of a new permit for temporary residence, i.e. one single permit.\*

\*Official Gazette of the Republic of Serbia no. 62/2023

### **The Right to Identity Card for Foreigners and Special Identity Card**

#### **Article 102**

- (1) Identity card for foreigners shall be issued to a foreigner who has been granted permanent residence.
- (2) A temporary identity card for a foreigner shall be issued to a foreigner whose forced removal has been postponed in accordance with Article 84 of this Law, who has

been assigned a mandatory stay in accordance with Article 93 of this Law, as well as in the case referred to in Article 44, paragraph (6) of this Law.\*

(3) A foreigner, who is a member of either diplomatic mission or consulate of a foreign country or a member of some other mission with diplomatic status, shall be issued a special identity card. Furthermore, his/her family members with whom he/she shares a joint household shall be issued special identity cards.

(4) A special ID card is issued as a diplomatic, official, consular or service ID card.

(5) A diplomatic ID card is issued to a diplomatic agent, as well as to members of his/her family, an official ID card is issued to a member of the administrative and technical staff of a diplomatic or consular or other mission and members of his/her family, a consular ID card is issued to a consular officer, whilst a service ID card is issued to a foreigner who enjoys certain privileges in compliance with international agreements.

\*Official Gazette of the Republic of Serbia, no.62/2023

### **Content of the Identity Card for Foreigners, Temporary Identity Card for Foreigners and Special Identity Card**

#### **Article 103**

(1) The form of the identity card for foreigners and temporary identity card for foreigner shall contain the following information on the foreigner: family name, given name, date, month and year of birth, sex, registration number for foreigners, country of birth, citizenship.

(2) The form of the identity card for foreigners shall also contain the photographs of biometric data of the foreigner issued the identity card (photograph and signature), registry and serial number of the identity card for foreigners, and the date of issuance, expiry date and issuing authority.

(3) The form of the identity card for foreigners and temporary identity card for foreigners shall contain a microcontroller (chip) and area for automatic data reading, in which visible information on the document shall be entered, as well as the information about the permanent residence address or registered address of the foreigner, foreigner's status in the Republic of Serbia and foreigner's biometric finger print.

(4) At the request of the foreigner being issued or having been issued identity card for foreigners, in accordance with special regulations, the microcontroller (chip) shall also contain the qualified electronic certificate of the holder and appropriate data for forming a qualified electronic signature, so that the identity card for foreigners may become means to form a qualified electronic signature.

(5) The form of the identity card for foreigners and temporary identity card for foreigners shall be printed in Serbian, in Cyrillic letters, Latin letters and in English, and the information on the family name and name of the foreigner shall appear in the way they appear in the foreigner's travel document as transcribed into the English language, whereas data on the country of birth and citizenship of the foreigner shall appear in Latin letters, showing the Serbian name of the country of which the foreigner is a national.

(6) A special identity card form includes the following information about a foreigner: surname, name, day, month and year of birth, gender, place and country of birth, and a title in a diplomatic mission.\*

(7) A form of special identity card also includes images of foreigner's biometric data (photograph and signature), a type of special identity card, name and address of diplomatic mission, registration and serial number of special identity card, date of issue, validity period, issuing authority and contact details, as well as a clause on judicial immunity in accordance with international agreements binding on the Republic of Serbia.\*

(8) A form of a special ID card is printed in the Serbian language, as well as in Cyrillic and English, whilst data regarding foreigner's surname and name, as well as his/her place of birth are entered in the exactly same manner as in the foreigner's travel document in the English transcription; whereas data on the country of birth are entered with a three-letter international country code.\*

(9) A special ID card is issued based on a request for the issuance of a special ID card.\*

(10) Application form for issuing a special ID card includes as follows: name and surname, date, place and country of birth, photograph, gender, citizenship, type, number and expiry date of travel document, date of crossing the state border, title of special ID card holder engaged in a foreign diplomatic mission, name of diplomatic mission, residence address in the Republic of Serbia, applicant's signature, request submission date, diplomatic mission seal and a signature of the Head of Mission.

### **Manufacturing of Forms\***

**\*Official Gazette of the Republic of Serbia, no. 62/2023**

#### **Article 103a\***

The form of temporary residence permit, i.e. one single permit, form of a foreigner's identity card and a temporary identity card for a foreigner, as well as the form of a travel document for foreigners shall be prepared by the National Bank of Serbia - the Institute for Manufacturing of Banknotes and Coins.\*

\*Official Gazette of the Republic of Serbia, no.62/2023

### **Issuing the Foreigner's Identity Card\***

**\*Official Gazette of the Republic of Serbia, no. 62/2023**

#### **Article 104\***

(1) To a foreigner who has been granted permanent residence, the competent authority shall issue an identity card for a foreigner, where the foreigner's personal presence is required in order to take his biometric data.\*

(2) When taking biometric data, a certificate shall be issued to the foreigner that shall serve as proof of the initiated process issuing an identity card for a foreigner.\*

(3) A foreigner who is issued an identity card for a foreigner, and who, due to his religious or national customs, wears a cap or a headscarf as an integral part of his costume, i.e. clothing, may be photographed with the cap or headscarf.\*

(4) For a minor foreigner, up to the age of twelve, fingerprints and signature shall not be taken, and when issuing a foreigner's identity card to a minor foreigner, the presence of one parent, guardian, or legal representative shall be necessary.\*

(5) The provisions of this Article shall be applied accordingly when issuing a temporary identity card for a foreigner.\*

(6) In the process of issuing an identity card for a foreigner and a temporary identity card for a foreigner, a prescribed fee shall be paid, in accordance with the law.\*

(7) Both the application form structure and procedure regarding the issuance of a foreigner's identity card and temporary identity card shall be laid down by the Minister of Interior, whilst the application form structure regarding the issuance of a special identity card, special ID application form structure, as well as a procedure for issuance of a special identity card shall be laid down by the Minister of Foreign Affairs.\*

\*Official Gazette of the Republic of Serbia, no.62/2023

## **Competence**

### **Article 105**

(1) Identity card for foreigners and temporary identity card for foreigners shall be issued by the competent authority.

(2) Special identity card for foreigner shall be issued by the Ministry responsible for foreign affairs.

## **Validity period**

### **Article 106.\***

(1) A foreigner's identity card shall be issued with a validity period of five years.\*

(2) An identity card of a minor foreigner shall be issued with a validity period of two years.\*

(3) A temporary identity card shall be issued with a validity period for which the foreigner has been ordered to stay by decision, forced removal has been postponed, i.e. temporary residence has been approved.\*

(4) A special identity card shall be issued with a validity period of up to four years.

\*Official Gazette of the Republic of Serbia, no.62/2023

## **Replacement of Identity Card for Foreigners**

### **Article 107**

(1) A foreigner shall be issued a new identity card for foreigners if the previously issued identity card for foreigners has expired, has been damaged, or if the photograph no longer corresponds with his appearance, or when it cannot serve its purpose for other reasons.

(2) A foreigner must, within 15 days of the day of occurrence of the reasons referred to in Paragraph (1) of this Article, submit an application to the competent authority to replace the identity card for foreigners.

## **Return of Identity Card for Foreigners and Invalidation of Identity Card for Foreigners**

### **Article 108**

(1) A foreigner must return his identity card for foreigners to the competent authority if:

- 1) He has acquired citizenship of the Republic of Serbia;
- 2) He is moving out of the Republic of Serbia;
- 3) His right to permanent or temporary residence has been terminated, or if his temporary residence has expired.

(2) A foreigner shall inform without delay the competent authority about the disappearance of the identity card for foreigner or temporary identity card for foreigner, which will issue a decision invalidating the identity card for foreigner or temporary identity card for foreigner and announce the fact **on the official website of the Ministry of Interior.** \*

(3) Appeal against the decision to invalidate the identity card for foreigner or temporary identity card for foreigner shall not be allowed, but administrative proceedings may be initiated.

\*Official Gazette of the Republic of Serbia, no. 62/2023

**Obligations of a foreigner in case of loss of temporary residence permit and one single permit\***

\*Official Gazette of the Republic of Serbia, no. 62/2023

**Article 109\***

\*

(1) The foreigner shall be bound to notify the competent authority without delay of the disappearance of the temporary residence permit, i.e. the one single permit, which shall declare the temporary residence permit, i.e. the one single permit invalid, and announce the same on the official website of the Ministry of Interior.\*

(2) No appeal shall be allowed against the decision on declaring invalid the temporary residence permit, i.e. the one single permit, but an administrative dispute can be initiated.\*

\*Official Gazette of the Republic of Serbia, no. 62/2023

**IX. FOREIGNER'S PLACE OF STAY AND RESIDENCE ADDRESS**

**The Concepts of Place of stay address, Registered Address and Permanent Residence Address**

**Article 110**

(1) Place of stay address is, within the meaning of this Law, the place and address in which the foreigner has been staying for longer than 24 hours.

(2) Registered address is the address that the foreigner intends to use for stay during the time of the granted temporary residence in the Republic of Serbia.

(3) A foreigner on temporary residence must within three days of the date of change of registered address notify the competent authority thereof.

(4) It shall be considered that the foreigner has not changed the registered address if place of stay address registered to a different address for personal, business or other reasons, and this place of stay address does not exceed 15 days.

(5) A foreigner who has been granted permanent residence in the Republic of Serbia, shall have a permanent residence address.

(6) Permanent residence address shall, within the meaning of this Law, be the place in which the foreigner with permanent residence permit intends to live permanently, or the place which is the centre of his daily activities, professional, economic, social and other ties proving his lasting bond with his place of residence.

(7) A foreigner on permanent residence must notify the competent authority of the change of permanent residence address within eight days.

## **Registration of place of stay Address, Permanent Residence Address and Change of Registered Address and Unregistration of Address**

### **Article 111**

(1) Legal entities, entrepreneurs and natural persons providing accommodation services to foreigners for payment, must register the foreigner's place of stay address with the police directorate responsible for the foreigner's place of accommodation within 24 hours of the moment of providing the accommodation service.

(2) Legal entities, entrepreneurs and natural persons that receive foreigners for visit, must register the foreigner's place of stay address to the police directorate responsible for the place of accommodation of the foreigner, within 24 hours of the foreigner's arrival.

(3) The foreigner not using the accommodation referred to in Paragraph (1) of this Article, or not staying at a private address with a natural or legal person, must register his own place of stay address, in the police directorate responsible for the place of residence, within 24 hours of the entry into the Republic of Serbia, or on the day of change of place of stay address.

(4) Natural person referred to in Paragraph (2) of this Article shall be the person that a foreigner is coming to visit. Natural person that a foreigner is coming to visit may authorise another person or the foreigner himself to register the place of stay address referred to Paragraph (2) of this Article.

(5) If appropriate technical conditions are available, the registration of a foreigner's place of stay address may be done electronically, by applying an electronic identification of a minimum of medium-reliability level, in accordance with the law regulating electronic documents, electronic identification and confidential services in electronic affairs.

(6) The layout of the form for registering place of stay address and the manner of registration of the foreigner's place of stay address, registered address, change of registered address, registering and unregistering a foreigner's permanent residence address, shall be prescribed by the Minister responsible for internal affairs.

## **X. SPECIAL PROVISIONS ON THE MOVEMENT OF FOREIGNERS IN UNIFORM**

### **Criteria for Wearing Foreign Military, Police or Customs Uniforms**

#### **Article 112**

On the territory of the Republic of Serbia, foreigners may move freely wearing foreign military, police or customs uniforms, in accordance with an international treaty.

## **XI. DATA PROCESSING**

### **Personal Data Processing**

#### **Article 113**

(1) Personal data on foreigners and the Republic of Serbia nationals connected to a foreign national, shall be processed when this is:

- 1) Necessary for the implementation of procedures and tasks provided in this Law;
- 2) Necessary for the protection of public order or security of the Republic of Serbia;
- 3) Provided by the law or international treaty.



(2) Personal data processing of foreigners and Republic of Serbia nationals connected with a foreign national, shall be done in accordance with the provisions of the law regulating records and data processing in the area of internal affairs.

(3) Provisions of this Law shall serve as grounds for personal data processing.

### **The Purpose of Personal Data Processing**

#### **Article 114**

Personal data processing shall be done with the purpose of issuing visas, granting temporary residence permits, permanent residence permits, issuing decisions on return, issuing a ban on entry into the Republic of Serbia, ordering stay in the reception centre, issuing travel documents and identity cards for foreigners, registering temporary residence address and permanent residence address of foreigners and other tasks related to entry, stay, removal and status of foreigners in the Republic of Serbia.

#### **Records**

#### **Article 115**

(1) The Ministry of Interior shall for the purpose of performing tasks laid down in this Law keep records on:

- 1) Foreigners who registered address place of stay;
- 2) Foreigners who were granted permanent stay;
- 3) Foreigners who were granted temporary residence;
- 4) Foreigners who were issued decision on return, ban on entry, foreigners who were the subject of procedure initiated by the competent authority, as well as foreigners who were issued protective measure of removal or security measure of expulsion;
- 5) Foreigners who were, at the proposal of the state authority responsible for safeguarding security of the Republic of Serbia, issued a ban on entry into the Republic of Serbia, as well as surveillance and checks of the foreigner crossing the state border and moving across the territory of the Republic of Serbia;
- 6) Foreigners who were ordered to stay in the reception centre;
- 7) Foreigners who were ordered mandatory stay;
- 8) Issued identity cards for foreigners, temporary identity cards for foreigners and foreigners issued travel documents for foreigners;
- 9) Reports of missing and found identity documents in accordance with this Law;
- 10) Reports of missing and found national travel and other documents of foreigners;
- 11) Refused and issued visas at the border crossing, annulled, revoked and extended visas.

(2) Regulations on records and data processing in the area of internal affairs shall apply to issues related to records and processing of data kept in accordance with Paragraph (1) of this Article, as well as the content of these records, updates, deletions, keeping duration and data protection measures.

(3) Ministry responsible for foreign affairs may, for the purpose of performing tasks set out in this Law, and in accordance with the law regulating personal data protection, collect and process personal data of foreigners, and legal entities and natural persons connected with him, and keep records thereof containing the following data:

- 1) Records on visas (foreigner's given name and family name; place and country of birth; sex; photograph; citizenship; given names and family names of parents; address abroad; phone number; e-mail; type, number and period of validity of the foreign travel document; occupation, name and address of employer abroad; name and address of the educational institution abroad attended by the foreigner; whether the foreigner has a permit in his travel document to return to the country of residence if this is not his country of origin; history of residence in the Republic of Serbia; date of arrival into and departure from the Republic of Serbia; means of transport used by the foreigner to arrive to the Republic of Serbia; given names and family names, date, place, country of birth and citizenship of spouse, civil partner and children of the foreigner; given name, family name, address, citizenship, telephone number, identification or registry number of the inviter and reason to invite the foreigner into the Republic of Serbia; name, address, registry number, tax identification number, given name, family name and registration number of the authorised person in the legal entity inviting the foreigner to visit and reason for inviting the foreigner into the Republic of Serbia; number and name of authority that verified the letter of guarantee, date on the stamp verifying the letter of guarantee; serial numbers of other visas issued over the last three years and validity of these visas; the number of days of stay; purpose of travel; date and reason for refusing visa; date, reason and name of the authority that has annulled or revoked the visa);
- 2) Records on laissez-passers for foreigners (given name and family name, family name at birth, date of birth, place and country of birth, sex, citizenship, given name and family name of spouse or civil partner; given name and family name of parents; address abroad, address in the Republic of Serbia, telephone number, e-mail, photograph, serial number, date of issue and validity period of the laissez-passer for foreigners and issuing authority);
- 3) Records on issued special identity cards for foreigners (foreigner's name and surname, date of birth, place and country of birth, photograph, gender, citizenship, type, number and travel document expiry date, date of crossing the state border, title of a special identity card holder in a foreign diplomatic mission, name of diplomatic mission, residence address in the Republic of Serbia, type, registration number, serial number, date of issue and expiry date of foreigner's special identity card);

(4) Data in records on visas referred to in Paragraph (3), 1) of this Law, shall be processed and kept electronically, in the national Visa Information System.

(5) The duration of keeping data in records referred to in Paragraph (3) of this Article shall be five years.

(6) Authority responsible for migration management in the Republic of Serbia, may, for the purposes of implementing the voluntary return programme of foreigners, and in accordance with the law regulating personal data protection, collect and process personal data of foreigners and natural persons and legal entities connected with him, and keep records thereof, containing the following data: given name and family name; family name at birth; date of birth; place and country of birth; sex; photograph; citizenship; given names and family names of parents; type, number and validity period of a foreign travel document; temporary residence address in the Republic of Serbia; name and family name, telephone and e-mail of the foreigner's guardian if there is a guardian appointed; date and records number of the application for voluntary return; given name and family name, date of birth of spouse or civil partner and children of the foreigner participating with him in the

voluntary return programme; date and place of voluntary departure of foreigner; address of the foreigner in the country of voluntary return.

(7) Applications of a foreigner to exercise some of the rights prescribed in this Law and documents submitted by the foreigner in this procedure, shall be kept for the current and two previous years, after which they shall be destroyed, except related to an application for permanent residence of a foreigner, which shall be kept permanently.

(8) The Ministry of Interior, Ministry responsible for foreign affairs and authority responsible for migration management shall handle data processed in their records.

(9) State authority responsible for the security of the Republic of Serbia and its citizens shall be the beneficiary of data in the records kept in accordance with this Law.

### **The Cooperation of State Authorities**

#### **Article 116**

State authorities and connected organisations performing tasks related to the fulfilment of different rights of foreigners, shall directly and continuously cooperate and exchange information necessary to implement procedures and tasks provided in this Law.

### **The Exchange of Personal Data**

#### **Article 117**

(1) Personal data of a foreigner and connected natural persons and legal entities, necessary for implementing procedures and tasks provided in this Law, shall be exchanged with state authorities and connected organisations in accordance with the provisions of the law on data processing and records in the area of internal affairs, and this shall be done between the Ministry of Interior and:

- 1) Ministry responsible for foreign affairs, for the purposes of visa issuance;
- 2) State authority responsible for safeguarding security of the Republic of Serbia, with the purposes of protecting security of the Republic of Serbia and its citizens;
- 3) Organisations responsible for employment, with the purpose of implementing regulations on the employment of foreigners;
- 4) Authority responsible for migration management, with the purpose of including a foreigner in the voluntary return support programme.

(2) Pursuant to Paragraph (1), 1) of this Law, the Ministry of Interior shall take over data on submitted visa applications in diplomatic or consular missions and, pursuant to Article 29 of this Law, it shall perform checks per submitted applications and provide prior consent, while the Ministry responsible for foreign affairs, pursuant to Article 29, Paragraph (1) of this Law, shall perform checks in the records prescribed in Article 115, Paragraph (1), 1), 2), 3), 4) and 5) of this Law.

(3) Pursuant to Paragraph (1), 2) of this Law, the authority responsible for safeguarding the security of the Republic of Serbia and its citizens shall take over data from the records kept based on this Law.

(4) In accordance with paragraph (1) item 3) of this Article, the organization responsible for employment shall take over from the Ministry of Interior, data on the approved temporary residence or permanent residence of a foreigner, i.e. one single permit, while the Ministry of Interior shall take over data on the assessment of the fulfilment of the conditions for issuance of a one single permit, in accordance with the law.\*

(5) Pursuant to Paragraph (1), 4) of this Law, the authority responsible for migration management shall take over data from the Ministry of Interior on foreigners issued a decision on return, while the Ministry of Interior shall take over data on foreigners included in the voluntary return support programme.

(6) Authorities referred to in Paragraph (1) of this Article, must provide protection of personal data of the foreigner and connected natural persons and legal entities in the records, from accidental or unauthorised access, use, processing and forwarding, in accordance with the law.

(7) Data from records may be used for statistic, scientific and research purposes, without identifying the person they relate to, in accordance with the law.

\*Official Gazette of the Republic of Serbia, no. 62/2023

## **XII. MONITORING**

### **Article 118\***

Monitoring the implementation of this Law and regulations adopted on the basis of this Law shall be carried out by the Ministry of Interior, the ministry responsible for labor and employment, through the competent labor inspection, as well as the ministry responsible for foreign affairs, each in a part of the prescribed competence.

\*Official Gazette of the Republic of Serbia, no. 62/2023

## **XIII. PENAL PROVISIONS**

### **Carriers, Tourist Travel Organisers and Inviters**

#### **Article 119**

(1) A legal entity shall be fined **500.000\*** to 2.000.000 RSD for violations if:

- 1) It transports a foreigner into the territory of the Republic of Serbia or refuses to transport him from the border crossing point or from the Republic of Serbia, in contravention of Article 22, Paragraphs (1) and (2) of this Law;
- 2) which does not ensure that a foreigner who, in his organization, i.e. on the basis of an invitation letter, comes to the Republic of Serbia, resides in the country in accordance with the provisions of this Law and does not take measures to prevent the illegal stay of a foreigner upon entering the Republic of Serbia (Article 13a paragraph (1) ) of this Law);\*
- 3) which does not take measures and actions related to ensuring the conditions for the legal stay and work of a foreigner in the Republic of Serbia, and on the basis of whose invitation letter the foreigner entered the Republic of Serbia with a long-stay visa based on employment (Article 13a paragraph (3) of this of the law).\*

(2) For the violation referred to in Paragraph (1) of this Article, the authorised person in the legal entity shall be fined with 50.000 to 150.000 RSD.

(3) An entrepreneur shall be fined with **100.000\*** to 500.000 RSD for violation referred to in Paragraph (1) of this Article.

(4) Alongside penalty for the violation referred to in Paragraph (1), 1) of this Article, the perpetrator may also be issued a protective measure prohibiting international transport of passengers by air, road, water or railroad, and for the violation referred to in Paragraph (1), 2) of this Article, a protective measure prohibiting organising international tourist or business travel may be issued.

5) In addition to the penalty for the offense referred to in paragraph (1) item 3) of this article, the inviter may also be imposed a protective measure prohibiting the performance of the activity.\*

(6) A natural person shall be fined from RSD 50,000 to RSD 150,000 for the offense referred to in paragraph (1) item 3) of this Article.\*

\*Official Gazette of the Republic of Serbia, no. 62/2023

## **Accommodation Services Providers**

### **Article 120**

(1) A legal entity, entrepreneur or natural person shall be fined if they do not report to the competent authority place of stay address of a foreigner within 24 hours of providing the accommodation service to the foreigner, or from the moment of the foreigner's coming to visit (Article 111, Paragraph (1) and (2) of this Law), as follows:

- 1) Between 5.000 and 150.000 RSD for natural person;
- 2) Between 50.000 and 2.000.000 RSD for legal entity;
- 3) Between 10.000 and 500.000 for entrepreneur.

(2) For violation referred to in Paragraph (1) of this Article, the authorised person in the legal entity shall also be fined with 5.000 to 150.000 RSD.

(3) Alongside the fine for violation referred to in Paragraph (1) of this Article, the perpetrator may also be issued a protective measure prohibiting activity of providing accommodation services to foreigners.

(4) A foreigner shall be fined with 5.000 to 150.000 RSD, if he fails to, within 24 hours of entry into the Republic of Serbia, or date of change of place of stay address, register the place of stay address (Article 111, Paragraph (3) of this Article).

## **Violation of Regulations Related to Entry and Detention**

### **Article 121**

(1) A foreigner shall be fined with 50.000\* to 150.000 RSD for violation if he:

- 1) Enters the Republic of Serbia illegally (Article 14 of this Law);
- 2) Does not leave the Republic of Serbia within the time allowed for voluntary return (Article 77 of this Law);
- 3) Enters or stays in the Republic of Serbia, and he has been issued an entry ban (Articles 39, 66, 72 and 78 of this Law);
- 4) Leaves the reception centre without approval or does not obey the house rules and rules of stay in the reception centre (Article 91, Paragraph (1) of this Article);
- 5) Leaves the place of mandatory stay ordered to him by the competent authority or does not report regularly to the competent authority (Article 93 of this Law).

(2) Alongside the fine for violation referred to Paragraph (1) of this Article, the foreigner may also be issued the protective measure of removal of foreigner from the territory of the Republic of Serbia.

(3) Prison sentence of up to 60 days in prison or fine of 50.000 to 150.000 RSD shall be punishment for violation for a natural person that aids or attempts to aid a foreign national to enter the Republic of Serbia illegally, transit over the territory of the Republic of

Serbia or stay illegally on the territory of the Republic of Serbia (Article 14, Paragraph (2) of this Law).

(4) Alongside the punishment referred to in Paragraph (3) of this Article, the perpetrator may also be issued the protective measure of seizure of items.

**\*Official Gazette of the Republic of Serbia, no. 62/2023**

### **Illegal Stay and Identity Check**

#### **Article 122**

- (1) A foreigner shall be fined with **50.000\*** to 150,000 RSD if he:
- 1) Stays in the Republic of Serbia in contravention of the reasons for which he was approved stay (Article 40, Paragraph (3) of this Law);
  - 1a) resides in the Republic of Serbia contrary to the stated purpose, i.e. contrary to those grounds based on which he/she was issued a visa (Article 31, paragraph (6) of this Law);
  - 1b) resides in the Republic of Serbia contrary to reasons on the basis of which he was issued the one single permit (Article 46a, paragraph (4) of this Law).\*
  - 2) Stays illegally in the Republic of Serbia (Article 74, Paragraph (1) of this Law);
  - 3) Refuses to show the police officer of the competent authority his identity document (Article 101, Paragraph (1) of this Law);
  - 4) Lets another person use his identity document or uses an invalid identity document or uses another person's identity document as his own (Article 101, Paragraph (2) of this Law).

(2) Alongside the fee for violation referred to in Paragraph (1), 2)-4) of this Article, a foreigner may also be issued the protective measure of removal of foreigner from the territory of the Republic of Serbia.

**\*Official Gazette of the Republic of Serbia, no. 62/2023**

### **Violation of Provisions on Residence Permits**

#### **Article 123**

- (1) A foreigner shall be fined with **20,000\*** to 150,000 RSD for a violation if he:
- 1) failed to submit a request for the issuing of the one single permit (Article 46, paragraph (1) of this Law);\*
  - 1a) failed to submit a request for the granting of temporary residence (Article 46, paragraph (2) of this Law);\*
  - 2) deleted (see Article 15 of the Law - 31/2019-7)
  - 3) deleted (see Article 50 of the Law - 31/2019-7)
  - 4) Does not submit an application for temporary residence permit for a child, foreign national born on the territory of the Republic of Serbia, in due time (Article 58, Paragraph (1) of this Law);
  - 5) deleted (see Article 50 of the Law - 62/2023-56);

- 6) Does not submit an application to the competent authority for a new identity card for foreigners in due time (Article 107, Paragraph (2) of this Law);
- 7) Does not return the identity card to the competent authority, in cases laid down in Article 108, Paragraph (1) of this Law;
- 8) Does not report to the competent authority the disappearance of documents referred to in Article 108. and Article 109. of this Law;
- 9) Does not report a change registered address of temporary residence or change of permanent residence address referred to in Article 110, Paragraphs (3) and (7) of this Law;
- 10) During the time of stay in the Republic of Serbia, wears foreign military, police or customs uniform in contravention of the provisions of Article 112 of this Law.
- 11) failed to submit a request to the competent authority for the issuance of a new temporary residence permit or one single permit within the prescribed period (Article 101b paragraph (6) of this Law).\*

\*Official Gazette of the Republic of Serbia, no. 62/2023

## **XIV. TRANSITIONAL AND FINAL PROVISIONS**

### **Competences for Adopting Regulations**

#### **Article 124**

(1) Within six months of the entry of this Law into force, the Government shall adopt an ordinance regulating more detailed conditions for refusal of entry of a foreigner into the Republic of Serbia referred to in Article 15, Paragraph (7) of this Law and an ordinance laying down the list of countries for whose nationals it is necessary to acquire prior consent from the Ministry of Interior to issue visa, referred to in Article 29, Paragraph (2) of this Law.

(2) The Government shall, at the proposal of the Minister of Interior, in case special circumstances are found related to illegal presence of an increased number of foreign nationals on the territory of the Republic of Serbia, who cannot be returned to their country of origin because of the application of the non-refoulement principle, or who cannot leave the Republic of Serbia because of circumstances that do not depend on them, adopt an ordinance regulating their tolerated presence on the territory of the Republic of Serbia, with limited time of implementation.

(3) Within six months of the entry of this Law into force, the Government shall adopt an act establishing the price of the visa sticker, temporary residence permit sticker, permanent residence permit sticker, mandatory stay sticker, foreigner *lessez-passer* form, identity card for foreigners form and temporary identity card for foreigners form.

(4) Within six months of the entry of this Law into force, the Government shall adopt regulations on:

- 1) The layout of the form on ban on entry into the Republic of Serbia, layout of the form on approval of entry into the Republic of Serbia and manner of entering data on refusal of entry into a foreigner's travel document, referred to in Article 15, Paragraph (5) of this Law;
- 2) The layout of the form on refusal of visa application at the border crossing point referred to in Article 34, Paragraph (7) of this Law;

- 3) Layout of the form on refusing application for visa extension referred to Article 35, Paragraph (7) of this Law;
  - 4) More detailed criteria for approval of temporary residence, layout of the application for temporary residence permit, layout and manner of entry of the temporary residence permit sticker into a foreign travel document referred to in Article 43, Paragraph (2) of this Article;
  - 5) More detailed criteria for granting permanent residence, the layout of the application for permanent residence, layout and manner of entering permanent residence sticker in a foreign travel document referred to in Article 67, Paragraph (9) of this Law;
  - 6) The appearance of the ban on entry stamp and manner of entering ban on entry into a foreign travel document referred to in Article 78, Paragraph (6) of this Law;
  - 7) More detailed conditions and manner of conducting forced removal of foreigner referred to in Article 81, Paragraph (5) of this Law;
  - 8) House rules and rules of stay in the reception centre, referred to in Article 91, Paragraph (2) of this Law;
  - 9) Layout and manner of entry of mandatory stay into a foreigner's travel document, referred to in Article 93, Paragraph (11) of this Law;
  - 10) Layout of the form and procedure of issuance of a laissez-passer for foreigners referred to in Article 98, Paragraph (3) of this Law;
  - 11) Layout of the form and procedure for issuance of identity card for foreigner and temporary identity card for foreigner, referred to in Article 104, Paragraph (7) of this Law;
  - 12) Layout of the form for registering temporary residence address, manner of registering temporary residence address, registered address, change of registered address, registering and unregistering permanent residence address referred to in Article 111, Paragraph (6) of this Law.
- (5) Within six months of the entry of this Law into force, the Minister responsible for foreign affairs shall adopt regulations on:
- 1) The layout of the form for entering visa and manner of entering visa in the form referred to in Article 24, Paragraph (4) of this Law;
  - 2) The layout of the visa application form and the appearance of the stamp confirming the receipt of visa application referred to in Article 25, Paragraph (9) of this Law;
  - 3) Layout and manner of entry of a visa sticker into a foreign travel document referred to in Article 32, Paragraph (3) of this Law;
  - 4) Layout of the form on refusing visa application referred to in Article 36, Paragraph (5) of this Law;
  - 5) Layout of the form on annulment or revocation of visa, as well as the manner of annulment and revocation of visa referred to in Article 37, Paragraph (7) of this Law;
  - 6) Layout of the form and procedure of issuing special identity card referred to in Article 104, Paragraph (7) of this Law.
- (6) The Minister responsible for internal affairs shall, with consent of the Head of the competent authority responsible for safeguarding the security of the Republic of Serbia and its citizens, within six months of the entry of this



Law into force, adopt a regulation on more detailed conditions and manner of implementing the proposal for issuing a ban on entry of foreigner and surveillance and checks of foreigners upon entry and movement across the territory of the Republic of Serbia, referred to in Article 115, Paragraph (1), 5) of this Law.

#### **Article 125**

Proceedings initiated before this law came into effect shall be finalised according to the provisions of the Law on Foreigners (Official Gazette RS, No. 97/08), unless it is more favourable for the foreigner to finalise proceedings according to the provisions of this Law.

#### **Validity of Regulations until the Adoption of New Ones Based on This Law**

#### **Article 126**

Regulations adopted based on the Law on Foreigners (Official Gazette RS, No. 97/08), shall remain in effect until the adoption of the regulations repealing them, unless they are in contravention of the provisions of this Law.

#### **Validity of Specific Laws**

#### **Article 127**

With the date of commencement of implementation of this Law, the Law on Foreigners (Official Gazette RS, No. 97/08) shall cease to be valid.

#### **Entry into Force**

#### **Article 128**

This Law shall enter into force on the eighth day following its publication in the Official Gazette of the Republic of Serbia, and its implementation shall commence six months after entry into force.

### **PROVISIONS NOT ENTERED INTO AMENDED LAW ON FOREIGNERS**

*Law on Amendments to Law on Foreigners: "Official Gazette of the Republic of Serbia", No.: 31/2019-7*

#### **Article 17**

The Government shall pass a decree, within six months of the Law entering into force, by which the criteria for deciding the categories of foreigners, as well as the categories of foreigners referred to in Article 4 of the Law shall be regulated.

The Minister of Interior shall, within six months of the Law entering into force, pass a Regulation on Detailed Requirements for Soft Copy Request Submission for Temporary Residence Permit referred to in Article 5, paragraph (5) of this Law.

The Minister of Foreign Affairs shall, within six months of the Law entering into force, pass a Regulation on Application Request Form Structure for Issuance of a Special Identity Card referred to in Article 12 of the Law.

The Minister of Interior and the Ministry of Labour, Employment, Veteran and Social Policy shall, within six months of the Law entering into force, pass a regulation governing the structure and content of application form referred to in Article 6 of this Law by mutual agreement.

#### **Article 18**

This Law shall enter into force on the eighth day of its publication in the "Official Gazette of the Republic of Serbia", except for provisions of Article 1 and 5, which shall apply as of 1 January 2020, and provisions of Article 6, which shall apply as of 1 December 2020.

**Law on Amendments and Supplements to the Law on Foreigners: "Official Gazette of the RS", number 62/2023-56**

**TRANSITIONAL AND FINAL PROVISIONS**

**Article 51**

(1) Within six months from the date of entry into force of this law, the government shall issue a decree on categories of foreigners, criteria and further conditions for granting temporary residence to foreigners from Article 12, paragraph (3) of this Law.

(2) Within six months from the date of entry into force of this Law, the minister responsible for internal affairs shall issue regulations on:

1) detailed conditions for approval of temporary residence, the layout of the request for approval of temporary residence and the layout of the form for the temporary residence permit from Article 15, paragraph (3) of this Law;

2) detailed conditions for granting permanent residence and the layout of the request for granting permanent residence from Article 28, paragraph (6) of this Law;

3) detailed conditions for submitting a request for granting permanent residence electronically, as set forth in Article 31, paragraph (3) of this Law.

4) on the form of confirmation of confiscated funds, the form of confirmation of the costs of forced removal and the method of calculating the costs of forced removal from Article 36, paragraph (10) of this Law.

(3) The minister responsible for foreign affairs shall, within six months from the date of entry into force of this Law, issue a regulation on the layout of the visa form in electronic format and the detailed conditions for issuing visas in electronic format as referred to in Article 8, paragraph (5) of this of the Law.

(4) The minister responsible for internal affairs, the minister responsible for employment and the minister responsible for foreign affairs shall, by agreement, within six months from the date of entry into force of this Law, issue a regulation on the detailed conditions for submitting a visa application electronically, detailed conditions for granting visas, as well as the layout and content of the invitation letter from Article 10, paragraph (2) of this Law.

(5) The minister responsible for internal affairs and the minister responsible for employment shall, by agreement, within six months from the date of entry into force of this Law, issue a regulation on the detailed conditions for submitting and processing requests for the issuance of one single permit electronically, detailed conditions for issuing one single permit, as well as the layout of the one single permit referred to in Article 46b paragraph (10) of this Law.

**Completion of Initiated Proceedings**

**Article 52**

All proceedings initiated prior to the entry into force of this Law shall be terminated by applying the regulations according to which they were initiated, unless it is more favorable for the foreigner to end the proceedings according to the provisions of this Law.

### **Termination of Previous Regulations**

#### **Article 53**

Upon the implementation of the regulations from Article 12, paragraph (3), Article 15, paragraph (3) and Article 28, paragraph (6) of this Law, the provisions of Article 43, paragraph (2) and 67, paragraph (9) and the provisions of Article 40, paras. (4) and (5) of the Law on Foreigners ("Official Gazette of the RS", no. 24/18 and 31/19) and regulations adopted on the basis thereof, shall cease to be valid.

### **Entry into Force and Commencement of Application**

#### **Article 54**

This Law shall enter into force on the eighth day from the day of its publication in the "Official Gazette of the Republic of Serbia", and the provisions of Article 1, paragraph (2), Article 8, paragraph (2), Article 9, Article 11, paragraph (3), and Article 12. paragraph (2), article 14, Article 15, paragraph (1), Article 17, paragraph (2) and (3), Article 19, Article 20, Article 22, Article 23, paragraph (3), Article 24, paragraph (3), Article 28, paragraph (5), Article 31, paragraph (3), Article 37, Article 38, Article 40, Article 44, Article 45, paragraph (1), Article 46, Article 49, paragraph (2) and Article 50, paragraph (2), (3) and (7) of this Law shall come into force on February 1, 2024.