

NEWSLETTER

What do the announced changes to the Law on Residence and Employment of Foreigners in the Republic of Serbia actually mean?



Author: Teodora Veruović, Attorney at Law

Single work permit - One of the most important changes is the electronic submission of requests for temporary residence and work permits, which the Ministry of Internal Affairs of the Republic of Serbia (MUP RS) would decide on within 15 days. The single electronic procedure implies that the MUP RS issues a single permit for temporary residence and work permit (up to three years with the possibility of extension for the same period) upon request. The novelty is that, in addition to

the employees, the employer will also be able to submit a request for a single work permit.

The amendment of the law is envisaged so that two procedures, i.e., the procedure for approving temporary residence and procedure for issuing a work permit would be combined into one procedure in front of MUP RS. Although there is a possibility to conduct the procedure in this way in the existing version of the law, it does not work well in practice, so the reason for changes is to enable the implementation of this solution.

Temporary residence - The period when a foreigner submits a request for a temporary residence permit is specified in relation to a period that is longer than 90 days from the day of entry. In this sense, the article is amended by the period of stay determined by the international agreements, as well as the period of validity of the visa for a longer stay in which the foreigner can submit a timely request for approval of temporary stay. The Government of Serbia is authorized to render a regulation to determine additional categories of foreigners who can be granted a temporary residence. The amendments allow for approving temporary residence on all grounds for a period up to 3 years with the possibility of extension for the same period (instead of one year with the possibility of extension for the same period, as previously provided for). The change is also reflected in the fact that foreigners with approved permanent residence in Serbia are given the possibility of free employment, by abolishing obligations regarding obtaining a personal work permit. The proposed amendment foresees

an easier procedure for certain categories of foreigners who submit requests for approval of temporary residence in Serbia, so the proof of means of subsistence and proof of health insurance during the planned stay in Serbia shall not be requested from a foreigner who submits an application based on employment.

The right to work independently of a single permit - The amendments have removed the dilemma of whether a certain category of foreigners can work without a single work permit. For example, the amendments explicitly provide that a foreigner can work in Serbia, if he is granted temporary residence based on ownership of real estate in Serbia, or based on family reunification with a Serbian citizen. The same right is enjoyed by foreigners who have an approved temporary stay based on studies, scientific research work, volunteering, etc.

For example, if a foreigner obtained temporary residence in Serbia for conducting scientific research, he will enjoy the same right to reside and work in Serbia, i.e., he will not be obliged to acquire additional work permit.

Permanent residence - The amendments propose that permanent residence may be granted to a foreigner after 3 years of continuous residence in the territory of Serbia (instead of the previous 5). A special basis for the approval of permanent residence is introduced - the foreigner's Serbian origin, on the basis of which the foreigner can be granted permanent residence, regardless of the conditions of any stay in the territory of Serbia.
D-visa - For foreigners who need a D-visa to enter and work in Serbia, this visa will be sufficient as a basis for residence and work for the duration of the visa (180 days), without conducting the double procedure that existed until now.

If these changes are adopted, a foreigner will be able to legally work in Serbia immediately upon arrival, by obtaining a D visa. In other words, a visa for a longer stay (visa D) issued on the basis of employment would simultaneously be a residence and work permit during the period of validity of the visa.

Biometric document - The novelty is that the approved temporary residence and single permit will be issued in the form of a biometric document, which will replace the temporary residence sticker used in the foreigner's passport.

Fines against foreigners - With the proposed changes, fines have been tightened if foreigners stay in the Serbia contrary to prescribed legal rules.

For any further information, feel free to contact us via email: teodora.veruovic@tsg.rs.